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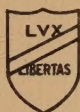
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Editors

R. D. W. CONNOR

WILLIAM WHATLEY PIERSON, JR.

CHESTER PENN HIGBY



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STUDIES IN HISPANIC-AMERICAN HISTORY

Edited by

WILLIAM WHATLEY PIERSON, JR., Ph.D.

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HISPANIC-AMERICAN HISTORY

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WILLIAM WHATLEY PIERSON, JR., Ph.D.

THE CONTRIBUTORS

Dr. James A. Robertson, distinguished bibliographer and editor, is Research Professor of History in John B. Stetson University, and Corresponding Secretary of the Florida State Historical Society.

Dr. J. Fred Rippy, author of works on inter-American relations, is Professor of History in Duke University.

Mrs. Guion Griffis Johnson, graduate student in history and candidate for the doctorate at the University of North Carolina, wrote her paper in fulfilment of requirements in one of Dr. Pierson's courses.

Dr. William Whatley Pierson, Jr., is Professor of History and Government in the University of North Carolina.

I. SOME NOTES ON THE TRANSFER BY SPAIN OF PLANTS AND ANIMALS TO ITS COLONIES OVERSEAS

BY JAMES A. ROBERTSON

"Very extraordinary," says the good Jesuit father, Bernabé Cobo, writing in 1652, "is the abundance of the increase in this New World of all the animals, fruits, vegetables, and all manner of plants which the Spaniards have taken to it since they discovered and settled it."¹ So true was this, continues the same author, that some people doubted that certain things had been transferred from Spain at all, but declared them native to the new lands. A residence of forty years in America, however, and an acquaintance with old men who remembered when certain European animals and plants were not to be found in the Indies, or who remembered, even, when some of them were first brought over, gave Cobo a right to speak with a certain authority on the matter.² Induced by friends or officials, the observant Jesuit had the prescience to write down what he knew of the bringing of new forms of life to the Indies, and his chapters on this subject are valuable testimony.³

But Cobo, although he will be used largely in this paper, is not the only authority on this phase of Spain's constructive labors in the colonies. Others—and some much earlier than he—left partial record of animal and plant transfer to and from the Indies, among them Cortés, the conquerer, Oviedo, the official, Acosta, the Jesuit (whose books have run into many editions), Herrera, the chronologist, Solórzano, the jurist, and many others. It might be of some little interest to note here something of what various of these writers have said regarding the matter, restricting ourselves at this time to transfers to the colonies. Even a slight study shows that Spaniards thought of

¹ Bernabé Cobo, S. J., *Historia del Nuevo Mundo . . . publicada por primera vez con Notas y otras Ilustraciones de D. Marcos Jiménez de la Espada*. 4 vols. Seville, 1890-1895, II, 340.

² *Ibid.*

³ *Ibid.*, p. 342.

other things beside gold and precious stones, and that among the early explorers, discoverers, officials, and others, were persons with a large outlook and some with a scientific type of mind—largely untrained though they may have been in the exact tenets of science. Thus we find the great pioneer Cortés writing:

"I assure your Cæsarian Majesty that, could we but obtain plants and seeds from Spain, and if Your Highness would be pleased to order them sent to us . . . the ability of these natives in cultivating the soil and making plantations would very shortly produce such abundance that great profit would accrue to the Imperial Crown of your Highness; . . ."⁴

This paper must be taken merely as an introduction to a more ambitious work which I hope to undertake some day.⁵ Readers must be charitable if the information be thin at times and of a somewhat "hearsay" character. A work of this nature, to be complete, needs the testimony of botanists and other scientists and a minute sifting of all sources. It must be premised also that the early writers, being human, and living in an age when exact observation was not regarded so necessary, perhaps, as now, were not always immune from error; so that one must check up their assertions from as many sources as possible. Cognizance must also be taken of the fact that the Spaniards sometimes transferred animals or plants into their colonies which were already to be found there. A notable instance of this was the transfer of horses to the Philippine Islands, although the Chinese horse had long been known there. In a sense, these were, however, real transfers, especially in the case of plants, for in more than one instance, the European

⁴ *Letters of Cortés*, translated and edited by Francis Augustus MacNutt, New York and London, G. P. Putnam's Sons, 1908, II, 201 (the fourth letter, October 15, 1524). Later in the same letter (MacNutt, II, 218) Cortés says: "I have also explained to Your Cæsarian Majesty the need for plants of all kinds; for every species of agriculture may flourish here; but nothing has been so far provided, and I again pray Your Majesty to order a provision from the Casa de Contratación at Seville, so that no ship be allowed to sail without bringing a certain number of plants which would favour the population and prosperity of the country."

⁵ This subject first began to interest me over a score of years ago, and I have at various times made notes concerning it; but, as this is written, I am unable to locate but a small part of my materials.

variety thrive better than the indigenous, or enriched it. With these warnings, we are ready to begin our examination of the evidence, without claiming in any way to be exhaustive and without claiming, even, to present the best evidence. This paper must be regarded merely as composed of notes that may be useful in the writing of a more definitive article on the subject of animal and plant transfers.

Cobo's evidence is especially interesting and valuable. He states that he does not know in all instances by whom introductions were made into each province; yet he remarks the problem is not a very difficult one, for most products were taken first to Isla Española, whence they were transferred to other regions. It is true, however, as he says, that some products were taken to other parts without passing through Isla Española first.⁶ Since his acquaintance was more intimate with Peru than any other region, it is not surprising that he confines himself more especially to that country.

On his very first voyage, Columbus noted the lack of European fruits, vegetables, grains, and animals. Accordingly, on his second voyage, he carried animals for breeding purposes, besides seeds and slips of plants.⁷ Later expeditions did the same thing, so that, says Cobo, "there are very few plants of all the kinds grown in Europe which have not been transferred to this land."⁸ And he makes the sage observation that the transfer of animals and plants has been more advantageous to the New World than the immense wealth of gold and silver sent thence to Spain.⁹ One may predict, he continues, that every Spanish plant will thrive in the New World.¹⁰ One potent cause for the great increase in plants and trees has been the destruction and change of site of many Spanish and Indian settlements. Abandoned by their inhabitants, gardens have run riot, while cattle reverting to a wild state, have continued to breed and have formed immense herds. Soldiers on entering

⁶ Cobo, *ut supra*, p. 342.

⁷ *Ibid.*, pp. 344-346.

⁸ *Ibid.*, p. 344.

⁹ *Ibid.*

¹⁰ *Ibid.*, pp. 345-346.

a ruined city in Chile found veritable groves of various kinds of fruit trees, which bore excellent fruit. The Indians once destroyed a Spanish settlement in the valley of Neyva, situated between Peru and the Nuevo Reino de Granada. They left some of the cattle behind, which continued to breed and within a short time had formed immense wild herds.

On their part the Indians, recognizing the benefits to be derived from the new animals and plants, ere long began to pay their tributes in wheat and cattle.¹¹ The immensity of excellent grazing lands was a potent aid in the breeding and dissemination of animals; while plants, in addition to human agency (both of Spaniards and natives) were often spread by birds and in other ways.¹²

TRANSFER AND SPREAD OF ANIMALS

The American Indies were astonishingly bare of domestic animals. Dogs of questionable breeds, and cats, were not rare, and there were some wild pigs. The wild buffalo or American bison roamed the plains of North America; in South America, the Indians had tamed the vicuña and llama. But horses and domestic cattle were unknown. Columbus, himself, took the first horses to Isla Española in 1493. Ponce de León, Narváez, Soto, and Luna y Arrelano had horses in their expeditions to Florida. Cortés took this friend of man to Mexico, where the awestruck natives thought it some sort of powerful god; Pizarro, to Peru; and Coronado, into the southwest. There is no doubt that horses aided very materially in the conquest.¹³

In the first years of the conquest, it was common to pay from 3,000 to 4,000 pesos for a horse, but they bred so rapidly in the New World that the price dropped very materially within a comparatively short time.¹⁴ Very soon also some horses escaped into the wilds where they quickly reverted to a wild state forming as seen above immense herds. Wild herds were

¹¹ *Ibid.*, pp. 346-347.

¹² *Ibid.*, pp. 347-348.

¹³ *Ibid.*, p. 350.

¹⁴ *Ibid.*, p. 355.

no uncommon sight in Isla Española,¹⁵ and they rose to uncommon proportions in the colonies of Paraguay and Tucumán.¹⁶ The immense herds that roamed through our own western country are too well known to need more than mention. These also were often the descendants of horses that escaped from the conquistadores. In Cobo's time the best horses came from Chile, where they had been introduced from Peru.¹⁷

Shortly after their permanent entrance into the Philippines (1565), the Spaniards also took horses thither, but the sturdy Chinese horse had been there for many years. The small ponies that are capable of drawing such extraordinarily large loads are descended from the Spanish horses (often Arabs or mixed with Arab) and the Chinese horse.

The first cattle were taken to Isla Española at the beginning of the conquest, and to Peru three or four years after Pizarro's entrance.¹⁸ Like the horse, some of them escaped into the wilds and before long they too were formed into large herds in various regions.¹⁹ Indeed, wild cattle were so numerous in Isla Española and other West Indian islands, that it was found profitable to kill them for their flesh and hides. The men who made this their business, most frequently English, Dutch, or French, though the scourings of many other nations gradually drifted into the seas of the Indies, were known as *boucaniers*, a word derived from an old Indian term, *boucan* or *buccan*, meaning the method of drying or smoking the meat; and since the piratical crews which scurried along the Spanish main during the sixteenth and seventeenth centuries were usually recruited from these men, the term "buccaneer," meaning pirate

¹⁵ That sturdy buccaneer, John Esquemelin, in describing this island, speaks of this, saying that the herds often reached two or three hundred. The horses he described as low of stature, short bodied, with large heads, long necks, and big or thick legs.

¹⁶ See Cobo, *ut supra*, p. 355.

¹⁷ *Ibid.*, p. 356.

¹⁸ *Ibid.*, pp. 358-360. See also Herrera, *Descripción de las Indias Occidentales*, 2d. ed. Brussels, 1730, 24-26, who notes the rapidity with which herds of cattle appeared in various provinces.

¹⁹ *Ibid.*, pp. 358-360.

came into the English language. Acosta notes that in 1587, a single fleet carried over 64,000 hides to Spain. The pirate Esquemelin noted the large number of wild cattle in Isla Española and says that the bulls found there were of huge bulk.

The first asses in the New World were taken to Isla Española, whence they spread into other regions, being taken to Peru by Captain Diego Maldonado who obtained them in Jamaica. But most likely because of the abundance of horses throughout the Indies, neither asses nor their hybrid offspring, the mules, were very abundant in America in Cobo's time.²⁰ However, asses could be procured in Lima for prices ranging from 10 to 15 pesos;²¹ while mules, which were very dear in early days could be had at reasonable figures in Cobo's time, work mules fetching only 30 to 40 pesos, riding mules, 60 to 100 pesos, and choice animals, 200 to 300 pesos.²²

The New World had various kinds of wild, but no domesticated pigs. Because of their food value, the early conquistadores were accustomed to take large droves of European swine with them on their explorations and *entradas*, as, for instance, did Pizarro to Peru in 1531 and slightly later, Soto to Florida. Only four years after Pizarro's entrance into Peru, a slaughter house was erected in Lima, the first meat to be sold therein being pork.²³ A decree of the cabildo of Lima, dated August 14, 1536, ordered that a pig be killed daily and the meat sold for twenty reals per *arroba*, and that no other animals were to be killed.²⁴ In the middle of the seventeenth century pigs could be bought for eighteen pesos in Lima and even more cheaply in other places. Lard had a steady sale and the rendering of it was a fairly profitable business.²⁵

Sheep, when transferred from Spain to the warm regions of America (and the same was true of the transfer to the Philippine Islands), did not thrive well. Later, however, it was

²⁰ *Ibid.*, p. 361.

²¹ *Ibid.*

²² *Ibid.*, p. 362.

²³ *Ibid.*

²⁴ *Ibid.*, p. 363.

²⁵ *Ibid.*, pp. 364-365.

found that those reared in the highlands of Peru and in Chile fared better, and in those localities it was not long after their introduction before the woolen goods made from their fleece were able to compete with those of Spain.²⁶ The Spaniards also early took goats and rabbits to the new lands, as well as dogs, although the Indians had plenty of the latter, albeit of poor breeds. The European dogs were used in tracking the poor Indians who fled before the cruelty of their self appointed masters, and many a victim fell before the ferocity of the great hunting mastiffs and bloodhounds. The classic example of the dog in the early days of American colonization was the animal used by Juan Ponce de León in his conquest of Porto Rico, which shared like and like with the soldiers in all booty and wages. Pizarro took dogs to Peru, and Soto to Florida. Las Casas, the Apostle to the Indians, speaks in scathing terms of the cruelty of the dogs and the curious reader will find many interesting pictures of the dog in the great works published by Theodore de Bry in the latter part of the sixteenth century. There were instances of the dog reverting to a wild state, and Esquemelin mentions the great, wild dogs of Isla Española descended from those brought in by the Spaniards.

So much at this time for animals. Enough has been said to show that Spaniards were not insensible to the benefits to be derived by introducing them into their colonies. In their turn Portuguese, French, and English also introduced animals into their colonies, but the first beginnings came from Spain.

INTRODUCTION OF PLANT LIFE

It was quite natural for the Spaniards on coming to their new lands to look for the plant life to which they had been accustomed; and not finding it, to attempt to introduce it, both to remind them of the land of their birth and to serve as food and for other uses. It was also quite natural for them to transfer the plant life of the colonies to Spain or from one colony to another, but with this phase of transfer we have no concern in

²⁶ *Ibid.*, pp. 365-367.

the present article. In bringing seeds, roots, and slips from the mother country, it is not surprising that many difficulties were encountered, for methods of packing were generally crude, and in the long voyages in their insecure ships, it was not uncommon for everything to be drenched with seawater, while the intense heat as they entered the tropics caused many of the seeds to rot. The story of the transfer of wheat, for instance, is a thrilling one. Various attempts to bring seed had failed, and it seemed impossible to bring the seed alive to America. At last, however, what it seemed impossible to accomplish by design, was brought about by pure accident. It is recounted that a negro slave of Cortés, while preparing rice for the expeditionaries one day, discovered several grains of good wheat. These were planted in New Spain and grew, and the resultant grains were also planted. In due time, the harvest was sufficient for use.²⁷ A similar story is told of the introduction of wheat into Peru. Doña Inez Muñoz, wife of Martín de Alcántara²⁸—one of the conquistadores who had come to Peru with Pizarro—one day in 1535 while cleaning rice to make some soup for the family meal, found a few grains of good wheat in the rice barrel. Since she was much interested in transferring Spanish products to the new possessions, she recognized the value of her discovery. Accordingly, she planted the grains in her garden. What a gala day that must have been when the first shoots appeared above the ground, for the wheat grew rapidly and yielded abundantly. For several generations the harvest was in turn planted and in 1539 the first flour mill was erected in Peru. Next year, the cabildo of Lima regulated the sale of flour, and on November 19, 1541, bread was sold at one real for two and one-half *libras* (pounds).²⁹ Other grains,

²⁷ See Humboldt, *Essai Politique sur la Royaume de la Nouvelle-Espagne* (Paris, 1811), III, 67-68.

²⁸ Her second husband was Antonio de Ribera who first brought the olive to America.

²⁹ Cobo, *ut supra*, pp. 414-415. Humboldt (*Essai Politique*, III, 67-68) says that the introduction of wheat into Peru was due to Maria de Escobar, the wife of Diego de Chaves. Of the wheat which she took to Lima, she is said to have given twenty or thirty grains to each farmer for planting. Humboldt says also that the first wheat was grown in Quito near the Franciscan convent by Father José Rixi, a native of Ghent.

including barley and rice, were early planted in Peru and flourished.³⁰ Many of the common vegetables not found in America were also among the European products early transferred to the colonies.³¹ But of paramount interest, equal or nearly equal, in importance to wheat, as they were used also in the daily household economy of the colonists, were the vine, the olive, and the sugar cane, none of which (with the exception of a few varieties of wild grapes which were not cultivated at all by the Indians and which were small and sour) were found in America.

The first cultivated seed or slip of the vine was taken to Lima by Hernando de Montenegro, and so rapid was the development that by 1551 grapes were being gathered in abundance. In that year, being placed on sale, under the auspices of Licentiate Rodrigo Niño, they brought half a *peso oro* or 225 *maravedis* per *libra*. However, Montenegro, to whom the grapes belonged, considered this price too low and appealed to the *audiencia* of Lima asking that he be permitted to sell at a higher rate. So greatly were the first plants esteemed, says Cobo, that it was necessary to have them guarded by armed men, so that the shoots should not be stolen. The first vines taken from Peru to Chile sold at 3,000 pesos, and the shoots at 100 pesos each. In Cobo's time there was an annual export from Peru of more than 100 shiploads of grapes. The price of the wine made from the grapes dropped to as low as three to four pesos per *arroba*. As time passed most of the Spanish varieties of grapes were transferred to Peru and flourished; and as might be expected, found favor not only with the whites but with the Indians as well.³² The Jesuit Joseph de Acosta,

Claudio Gay in his *Historia física y política de Chile*, Paris, 1852, I., says that Valdivia took wheat to Chile and that by the end of 1544, the yield had reached considerable proportions. In 1548, the first flour mills were constructed in Chile. Carlos Lemée (*La Agricultura y Ganadería en la República Argentina*, La Plata, 1844), says (p. 79) that in 1597, 1,458 *fanegas* of wheat were exported. After that year, however, exports decreased year by year until in 1605, they amounted to only about 551 *fanegas*.

³⁰ Cobo, *ut supra*, pp. 415-417.

³¹ *Ibid.*, 417-418, 429-435.

³² *Ibid.*, pp. 377-380. Claudio Gay (*Historia física y política de Chile*, I, 13) says that Valdivia took the vine to Chile from Peru, and that by 1551, not only was it cultivated in Santiago and Serena, but that in 1553 the inhabitants had begun to make a little wine.

writing much earlier than Cobo, bears similar testimony of the vine, but says that this most useful product did not thrive in Tierra Firme or in the islands. The vines bore well in New Spain, however, but the grapes were there used only for eating, no wine being made, because as Acosta conjectures, the grapes did not ripen thoroughly on account of the rains of July and August.³³ On the other hand, he says, excellent wine was made in Peru and Chile; and so great was the increase in those regions that the tithes of the church increased five or six times within twenty years.³⁴

The olive was first brought to Peru by Antonio de Ribera, one of the principal settlers of that country. Having been sent to Spain as procurator for the new colony, on his return in 1560, he brought many olive plants from Seville, but only two or three survived the voyage. Planting these in his garden he had them carefully guarded against theft by Indians and dogs. Notwithstanding his care, however, all the plants except one were stolen one night, and taken to Chile where being planted they thrived exceedingly. The one left to Ribera became the parent of all the trees in Peru, and in Cobo's time was still living although the garden in which it had been planted had been transferred to a community of nuns.³⁵

There is an interesting story in connection with this parent tree. Upon the occasion of a solemn procession held on a holy day, Don Antonio cut a small branch from his remaining olive plant, which he placed on the float on which reposed the most holy sacrament. As the float passed through the mass of wor-

³³ Acosta, *Historia natural y moral de las Indias* (the first edition of which appeared in Seville, in 1590), chapter xxxiii, "De las plantas y frutales que se han llevado de España a las Indias."

³⁴ *Ibid.*

³⁵ Cobo, *ut supra*, pp. 382-383. Humboldt (*Essai Politique*, III, 151) states that Cortés introduced the olive from Andalusia into New Spain. The same author says also (*ibid.*, III, 150) that the olive tree was seldom seen throughout New Spain. In fact there was only one plantation, that of the Archbishop, located near the city of Mexico. This plantation produced about 2,500 kilos of oil annually. The olive, like the vine, was introduced into California by the missionaries, (*ibid.*, II, 441).

shippers, many coveted the branch; but one of the ecclesiastics, Bartolomé Leones by name, took possession of it, and gave it to one Guillermo Guillén, an inhabitant of Lima much interested in agriculture, telling him to plant it and watch it carefully and when the time to bear came they would share equally in the profits. Guillén, whose garden contained many of the earliest plants brought from Spain, made haste to plant the branch near the spot where was later built the Franciscan convent. The olive sprouted and under his fostering care grew into a fine tree, even maturing ahead of the parent tree from which it had been cut. Thereupon, with canny foresight, Guillén obtained full title to the tree by giving the ecclesiastic a bar of silver for his share, and when this bargain was consummated, began to sell slips from it, and to plant a large grove for himself. The sale of slips alone netted him some three or four thousand pesos.³⁶ However, the rapidity and facility with which the olive reproduced speedily brought down the price of the product and slips to a low figure, and groves sprang up in all parts of the country. In certain localities, visited seldom or never by rain, it was grown from the first under irrigation. The product was so good that in many places it was preferred above the Spanish olive. Oil was early expressed and sold for a low price.³⁷

Sugarcane was first brought to the West Indies by Pedro de Atienza, an inhabitant of Concepción de la Vega in Isla Española, and from this place it spread all over the tropical Indies redeeming much territory that had been considered as only waste. The product was larger than in its former home, and grew so abundantly that sugar was made in great quantities and soon became very cheap, costing only four or five pesos per *arroba*. In Peru, notwithstanding the heavy consumption of sugar, there was a considerable export to Spain.³⁸

The first sugar in the Indies is said to have been made by Gonzalo de Vibora, who brought over sugar experts to Isla

³⁶ *Ibid.*, p. 383.

³⁷ *Ibid.*, p. 384. See also Acosta, *ut supra*, who mentions the olive of Mexico and Peru.

³⁸ Cobo, *ut supra*, pp. 408-410.

Española, and who erected a horse mill for expressing the juice. "To him alone," says Oviedo, "are due thanks for the first manufacture of sugar in America."³⁹ So rapid was the development of sugar growing that despite the heavy capital needed to run a mill because slave labor only was employed, many sugar mills were early established, among mill owners being Luis Colón, Cristóbal de Tapía, Miguel de Pasamonte, Lucas Vasquez de Ayllón, and many others whose names are familiar.⁴⁰ Until sugar became an object of export, ships had to return to Spain in ballast. In 1553, so much sugar was made in Mexico that heavy exports were made from Vera Cruz and Acapulco to Spain and Peru. One shipment of sugar to Spain before 1590 amounted to 898 boxes, each presumably of 8 arrobas' weight, and this notwithstanding the heavy consumption in the Indies. Sugar, indeed, became the chief product of the West Indian islands, and its abundance created a great demand for confections of various kinds.⁴¹

Among other food products introduced were date palms, which were planted in Peru soon after the founding of Lima. The dates, however, were not equal to those of Spain.⁴² Figs were first planted half a league outside of Lima by one of the early conquistadores and soon became plentiful.⁴³ Pomegranates were early introduced into Peru and grew well, but the fruit, though good, was small;⁴⁴ they flourished also in Tierra Firme.⁴⁵

Among other fruits bearing well before 1600 in various parts of the Indies were apples, pears, plums, peaches, apricots,

³⁹ Gonzalo Fernández de Oviedo y Valdes, *Historia General*, lib. IV, cap. viii. The above probably refers to the first sugar made in quantity, for Oviedo says also that some persons believed that the first sugar, although in very small quantity was made by Miguel Ballester, a native of Catalonia. Carlos Lemée (*La agricultura y la ganadería en la República Argentina*, La Plata, 1894), says (pp. 16-17) that by 1581 there was a large sugar crop in Asunción, Paraguay.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*; Acosta, *ut supra*; and Humboldt, *Essai politique*, III, 170-173.

⁴² Cobo, *ut supra*, pp. 386-387.

⁴³ *Ibid.*, pp. 387-388; Acosta, *ut supra*; and Oviedo, *ut supra*.

⁴⁴ Cobo, *ut supra*, pp. 388-391.

⁴⁵ Acosta, *ut supra*.

quinces, mulberries, oranges, lemons, limes, and other citrus fruit. Little success was had, however, with cherries, although they were induced to grow in a few places.⁴⁶ Quinces were widespread but flourished especially in New Spain.⁴⁷ Melons were found in abundance in Tierra Firme and parts of Peru.⁴⁸

Oranges and lemons spread so rapidly that it early became not uncommon to see them growing wild in Isla Española. Acosta, indeed, says that whole forests of wild oranges were found growing in many localities.⁴⁹ The first oranges (both sweet and sour varieties) were taken to Isla Española from Spain, and thrived wonderfully both inside the city of Santo Domingo and in other parts of the island, and spread very soon to the other islands.⁵⁰ The first oranges were taken to Peru by Baltasar Gogo and planted in a garden not far from Lima. Lemons were unknown in Peru when Cobo first went there, but when he wrote they had been flourishing for a score of years.⁵¹

The mulberry was introduced into the New World by Hernando Cortés, who tried to establish the silk industry in New Spain.⁵² The first bananas in the New World, according to Oviedo were planted in Isla Española in 1516 by Tomás Berlangas, a Dominican priest, who is said to have brought them from the Canary Islands;⁵³ but Acosta says that they had been known in America before the arrival of the Spaniards.⁵⁴ Cobo is probably in error in his assertion that the first bananas were planted in Tierra Firme, but probably correct when he says that the first ones were taken to Peru by a lady of Panama who went to that country.⁵⁵

⁴⁶ Cobo, *ut supra*, pp. 391-395, 398-400.

⁴⁷ Acosta, *ut supra*.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ Acosta, *ut supra*.

⁵¹ Cobo, *ut supra*, pp. 396-398.

⁵² Cobo, *ibid.*, pp. 400-403. See also Humboldt, *Essai Politique*, III, 235.

⁵³ Oviedo, *ut supra*.

⁵⁴ Acosta, *ut supra*. See also Humboldt, *ut supra*, p. 21.

⁵⁵ Cobo, *ut supra*, pp. 444-451. It is quite likely, as above said, that bananas were introduced into the Indies by the Spaniards, but it is highly probable that they had been growing for many years in certain regions in the New World, undoubtedly having been transferred in some way from Africa.

With regard to the plant life of the New World, Candolle says that of 247 plants cultivated in America, 199 originated in the Old World, 45 in America, 1 in Australia, while the native habitat of 2 can not be determined.⁵⁶ It might be well in this connection to repeat Humboldt's warning, lest we get to believing that the New World was poorer in useful plant life than was really the case. He says:

"In general, if one considers the garden plants of the Aztecs and the great number of farinaceous and sugar roots cultivated in Mexico and in Peru, he will see that America was not nearly so poor in food plants as would appear from the untrustworthy evidence advanced by certain savants, who know the new continent only through the works of Herrera and Solis."⁵⁷

And he notes further that, before the arrival of the Spaniards in America, Mexico and the Cordilleras of South America produced several fruits quite similar to those of the temperate climate of the old continent.⁵⁸

On the other side of the globe, the Spaniards transferred various products to the Philippine Islands, both from the American Indies and from Spain. This story may not be taken up in any detail in this paper. Suffice it to say that Miguel López de Legazpi, who made the first permanent Spanish settlement in the Philippines (that at Cebu), in writing his official report of 1565, states that the soil was so fertile that four days after the Spanish forces had taken the native town of Cebu, "the Castilian seeds had already sprouted."⁵⁹

Whatever mistakes the Spaniards made in their colonization of their new possessions, whether in the western or eastern

⁵⁶ Cited in Carlos Lemée, *La agricultura y la ganadería en la República Argentina*, La Plata, 1894, pp. 16-17. The student will do well to consult Candolle, *Origine des Plantes cultivées*, Paris, 1883; or its English translation, *Origin of Cultivated Plants*, New York, 1902.

⁵⁷ See *Essai Politique*, chapter iii, 140-141.

⁵⁸ *Ibid.*, p. 144. It might be worth while to remind ourselves that for purely economic reasons in Spain, the government of the mother country frowned upon the cultivation in the New World of the olive, mulberry, hemp, flax, and of the vine. See Humboldt, *Essai Politique*, III, 149.

⁵⁹ See Blair and Robertson, *The Philippine Islands, 1493-1898*, II, 214.

hemisphere, one can indorse much of what Claudio Gay says, namely:

"Never has a nation carried the colonizing spirit to a degree as high as the Spaniards. Although many of them expatriated themselves with the sole object of enriching themselves at any price, the majority had the firm resolution to contribute to the civilizing and evangelizing of semi-barbaric peoples. With this object they carried with them, not only the principal elements of civilization, such as domestic animals, wheat, beans, vegetables, etc., but also a force of goodwill and of perseverance truly wonderful which naught could change."⁶⁰

⁶⁰ *Historia física y política de Chile*, Paris, 1852, I, 5. In connection with the general subject of this paper, see Lyman Carrier, *The Beginnings of Agriculture in America*, New York, 1923. Many other books containing possible data will occur to the reader, and many manuscripts will yield their quota as well.

II. THE EUROPEAN POWERS AND THE SPANISH-AMERICAN WAR

BY J. FRED RIPPY

Any discussion of the attitude of the European nations during the war between the United States and Spain must center mainly around the procedure of Germany. It was generally believed at the time—and the view still persists—that the German Government was unfriendly towards the United States, and German diplomats were in fact prominent in the discussions which related to the war and its effects upon World Power. Contemporary newspapers of England and the United States conveyed the impression that Germany disapproved of American expansion; that the commander of the German squadron at Manila Bay conducted himself in an offensive manner; that Germany was eager to seize the Philippines; and that the Kaiser even tried to persuade the European powers to interfere in Spain's behalf. Moreover, these journals alleged that Germany and the nations of continental Europe were held in restraint solely by the pro-American attitude of Great Britain.¹ The persistence of this view in the United States finds illustration in a recent book published by Dr. Bertha Ann Reuter. With reference to Germany's attitude she says: "Germany was very much concerned over America's intentions both in Cuba and in the East. She was in no way pleased to see the United States acquire territory in either sphere."²

Documents recently published by the German government³ afford an opportunity to test these beliefs. Although the final account can not be written until the archives of the other European nations have been searched, the main outlines of the story

¹ Cf. files of *The Literary Digest*, April to December, 1898, and of the *New York Times* for the same period. For a later dispute regarding the matter see *The Literary Digest*, XXIV (Feb. 22, 1902), 263.

² *Anglo-American Relations During the Spanish-American War* (1924), p. 127, *passim*.

³ *Die Grosse Politik der Europäischen Kabinette, 1870-1914*. Most of the documents bearing upon the matter are found in Vol. XV.

now appear clear. The subject quite naturally falls into two divisions: the question of European arbitration and intervention in the Cuban difficulty, and the problem of the disposition of the Philippine and the Caroline Islands.

Emperor William II, upon learning that General Woodford, American Ambassador in Madrid, had been instructed to protest against Spanish procedure in Cuba and urge Spain to make peace, suggested to the Foreign Office (September 28, 1897) that intervention by the European states in favor of Spain, whose monarchical system would be endangered if she should lose Cuba, might be advisable.⁴ The German Under-secretary of Foreign Affairs recommended great caution. He feared that France and England might use Germany's support of Spain in order to estrange Germany with the United States and secure commercial advantages at Germany's expense. He considered the coöperation of Russia and France as an absolute prerequisite. Eulenburg, Counsellor in the Imperial Staff, thought that France might hesitate to join a movement designed merely to support a monarchy and that Austria, as the most natural advocate to Spain, should be induced to take the lead.⁵ The Emperor agreed to this plan, remarking that the most expedient method would have to be found; that the end itself, not the means of attaining it, was the important matter. Regarding Eulenburg's apprehensions that the French Republic would not be willing to serve dynastic purposes, the Kaiser remarked that the protection of the colonial possessions of the European powers against Transatlantic ambitions might be made the basis of agreement. In like manner he approved of Bernard von Bülow's recommendation (made on September 30) that Austria be urged to take the initiative, with the understanding that England and France should coöperate in the step under consideration.⁶

Accordingly, on October 7, 1897, Bülow authorized Lichnowsky, German *chargé* in Vienna, to approach Austria. Lich-

⁴ *Ibid.*, XV, 3, editorial note.

⁵ The Queen Regent of Spain was an Austrian Archduchess.

⁶ *Ibid.*, XV, 3-6. Bülow was Acting Secretary of Foreign Affairs.

nowsky was instructed to inform the Austrian Government—in case the matter of European intervention in the Cuban affair should be brought up again—that while Germany could not take a definite stand in advance of the other European Powers, she would be disposed seriously to consider any proposals received from Paris or London—perhaps upon Austria's suggestion.⁷

After the middle of October the whole affair entered the quiescent stage only to become more critical than ever in the following February. As the crisis between Spain and the United States approached in the spring of 1898, European diplomatic circles buzzed. The Spanish Government inquired whether Germany, in order to protect the principle of monarchy, would be inclined to head a European demonstration. Bülow replied that Germany was eager to safeguard that principle, but that France must be persuaded to take the lead in intervention before Germany would be willing to support the move.⁸ In like manner it soon became evident that neither Austria nor France was willing to take the first step. The Austrian Foreign Secretary thought that something should be done, but declared that the Austrian Government was not strong enough to undertake the initiative. The French Ambassador at Vienna revealed anxiety in regard to French colonial possessions in America and admitted that a united European demonstration was necessary. He felt, however, that Russia could not be counted upon and "showed an unusual degree of aversion to the Island Kingdom which placed obstacles in the way of necessary French colonial expansion in every quarter of the globe."⁹

Thus matters stood in February. On March 14 the Ambassador of Austria-Hungary in Berlin suggested once more that Germany should take the lead against the United States. Again Bülow declined and instructed the German Ambassadors in Vienna and Madrid to express His Majesty's regret that he

⁷ *Ibid.*, XV, 6-7.

⁸ Bülow to Radowitz, February 15, 1898, *ibid.*, XV, 7-8.

⁹ Eulenburg to Hohenlohe, February 23, 1898, *ibid.*, XV, 8-9.

found himself unable to lend any assistance so long as Russia and France failed to give binding promises of active support.¹⁰ In his letter to the German Ambassador in Vienna Bülow made the important statement, however, that the Emperor, convinced that a separate action of the Triple Alliance was quite out of the question in view of the stand taken by England, France, and Russia, now considered Papal arbitration the only means left to save Spain.

It was, in fact, at the instigation of William II that the Pope instructed his Nuncio in Madrid to ascertain whether mediation by the Papal See would be agreeable to Spain. Having saved the Spanish monarch from taking the initiative in asking the Pope for mediation—a step which the Spanish people might have interpreted as a symptom of royal weakness—the German Emperor appears, however, to have considered his mission finished. Thereafter he seems to have preferred to leave the matter to the parties concerned.¹¹ After he learned (April 1) that the Spanish government, contrary to expectations based upon Radowitz's¹² report from Madrid (March 22, 1898), had told the Nuncio that Spain could not consider arbitration on the basis of surrendering Cuba, the Emperor wrote at the foot of the telegram: "Then there is no help for her! She will lose it anyhow!"¹³

Meantime, the Madrid representatives of Germany, Austria, France, Russia, Italy, and England were asked (March 26) by the Spanish Minister of State to submit the following confidential request to the consideration of their governments: "The Powers should advise both Spain and the United States to settle the difficulties to which the questions embodied in Mr. Woodford's note of March 23 might give rise, by accepting an arbiter, in such way that peace should not be disturbed." Bülow instructed Radowitz that the Emperor still felt that Germany should not act before France and Russia had committed them-

¹⁰ Bülow to Eulenburg, March 15, 1898, *ibid.*, XV, 10-12; to Radowitz, March 17, 1898, XV, 12-14.

¹¹ *Ibid.*, XV, 14, 18.

¹² German Ambassador at Madrid.

¹³ *Ibid.*, XV, 19.

selves and directed the Ambassador to report on the replies given by the other powers.¹⁴

Soon afterwards (April 4, 1898) Bülow authorized Holleben, German Ambassador at Washington, to participate in the diplomatic action suggested by Spain provided that all five of the Ministers of the Great Powers should agree to act together. But this concession appears to have been made mainly to oblige Austria. "Since the Vienna Cabinet wishes it," was the remark of Bülow.¹⁵ Germany must not give offense either to the Powers or to the United States, he cautioned Holleben on April 7.¹⁶ On this latter date the representatives of the Great Powers handed President McKinley a joint note, dated April 6, urging that peace be preserved.

Thus the German Government had participated in this collective action with considerable caution; and, it should be added, without expecting any satisfactory results. On April 5 Bülow had remarked to the Spanish Ambassador in Berlin that the Powers were too occupied in the Far East to permit of effective measures in Spain's behalf. He personally believed that it would be better for Spain to give the Pope "*carte blanche*" to prevent war.¹⁷

The sequel showed, of course, that Bülow's misgivings regarding the influence of the Powers were well founded. Spain was eager for peace and actually directed a suspension of hostilities in Cuba, but on April 11 McKinley sent his message to Congress without any mention of this concession. A few days later the legislative branch of the government authorized McKinley to use force in Cuba. War now appeared almost inevitable.

On April 14 Sir Julian Pauncefote, British Ambassador in Washington, surprised Holleben by proposing that the diplo-

¹⁴ Telegram of March 28, *ibid.*, XV, 16-17. Woodford's note contained the threat that unless a satisfactory settlement regarding both the *Maine* and the whole Cuban affair could be reached in a few days, the President would lay the matter before Congress.

¹⁵ *Ibid.*, XV, 19-20.

¹⁶ *Ibid.*, XV, 20-21.

¹⁷ *Ibid.*, XV, 20.

matic representatives of the Great Powers hand the United States another collective note. Pauncefoot called the diplomats together and it was decided that this note should express the view that the intervention of the United States in Cuba would not be justifiable under the circumstances. In telegraphing this proposal to the Kaiser, Bülow remarked: "I personally regard such a demonstration somewhat coldly, though I, too, think it desirable that this frivolous attack be branded before the world. A step undertaken here would only decrease the prestige of the Powers, if their representatives have nothing at their command properly to repel an unfriendly answer." At this time—or later, as has been alleged¹⁸—the Emperor commented on Bülow's reaction as follows: "I think it [the demonstration suggested] entirely impracticable, useless and therefore prejudicial. We make ourselves as ridiculous in the eyes of the Americans as we did in those of the Greeks and the Turks, who did not care a straw about our collective notes. . . . I am against this step!"¹⁹

Nevertheless, Bülow immediately sounded out Russia on the proposed move. The Russian Minister of Foreign Affairs suspected that England had suggested the plan merely to bring discord between monarchial Europe and the United States and expressed the view that non-intervention would be the best policy.²⁰ Thereupon Bülow instructed the German Ambassador at Petersburg to inform the Russian Government that His German Majesty was also of the opinion that "platonic steps with lame protests" would be of no advantage to Spain and

¹⁸ The proposal of April 14 became a matter of controversy in 1902 on the occasion of Prince Henry's visit to the United States. The editors of *Die Grosse Politik* (XV, 24 note) assert that the Kaiser's marginal notes were made known to the German Ambassadors in London and Petersburg on the very day that the telegram was received, but unfortunately they do not publish the documents which are alleged to prove this. On the question of responsibility for initiating the second move for intervention, see *Die Grosse Politik*, XV, 24 note, 29-30; *Revue des Deux Mondes*, CLXX, 476-478; *Journal de St. Pétersbourg*, Feb. 23, 1902; G. W. Smalley, *Anglo-American Memories* (1912), II, 178 ff.

¹⁹ April 15, 1898, *ibid.*, XV, 22-24.

²⁰ See Bülow to William II, April 16, 1898, *ibid.*, XV, 25-27.

serve only to impair the prestige of the powers.²¹ Soon afterwards the matter was dropped.

The negative attitude of Germany and Russia appears to have been decisive, although the position of England may have had considerable weight.^{21a} On April 16 Bülow remarked in a telegram to the Emperor: "This collective action had been suggested by England, which made a Russian rejection appear probable from the beginning. I thought therefore that it would be in accordance with your Majesty's highest intentions if I investigated only in Petersburg regarding the reception of the English proposal, so as to avoid taking a rejection exclusively on our own shoulders. The answer of Count Muraviev [Russian Minister of Foreign Affairs] turned out as had been foreseen by Your Majesty."²² Yet Holleben, in a subsequent letter to Prince Hohenlohe, Imperial Chancellor, appears to have agreed with his French colleague when the latter remarked that Pouncefote's plan was not carried out because of the "lukewarm attitude" of England.²³

At any rate England's position must have been puzzling to some of the other Powers. Holleben wrote the German Foreign Office that the hesitation of the British Government appeared "quite like a riddle," and the Kaiser commented with an "uns auch!" Holleben's remarks on this phase of the affair deserve to be quoted at some length. In the letter of April 22, to which reference has already been made, he said: "In the beginning of the Cuban conflict England showed toward the United States, probably with special regard to the Far East, a disposition to oblige, which, it is true, was platonic—at least I still think so—, but then she joined the collective action of the powers on the seventh instant without difficulty. Soon afterward Sir Julian Pouncefote was even the originator of the further steps which were planned here towards a coöperation

²¹ Bülow to Radolin, April 16, 1898, *ibid.*, XV, 27.

^{21a} The French government was also hesitant, but its attitude was thought to depend largely on the position of Russia. (See Bülow to Radowitz, March 17 and 31, 1898, *Die Grosse Politik*, XV, 12-14, 18-19).

²² *Loc. cit.*

²³ April 22, 1898, XV, 28.

of the powers. . . . But nothing further has come of it, as my French colleague tells me, because of England's lukewarm attitude, which, by the way, I do not regret very much, as Your Majesty knows. Now more recently come the fraternal articles of the two presses, especially of the one here, and the banquet speeches of the American Ambassador in London; also there appears here, it is believed on a secret mission, the Secretary of the American Embassy in London, White; but all this is ridiculed by Sir Julian Pauncefote and as far as manifestations of friendship on the part of America are concerned, he flatly declares them to be hypocritical. From the mouth of Sir Julian that is a good deal regarding America."

This description of Britain's procedure aroused the Kaiser's ire. He suggested that Pauncefote was possibly lying. He then commented in regard to his island rival: "England wants to play the very same game that she played years ago when she admittedly provoked the Graeco-Turkish War. She stirs all the Powers to action, pretends to participate until the Powers have compromised themselves with the belligerents; then she draws back, pharasaically beats her breast, secretly joins one of the combatants—of course always the stronger—and incites it against the Continental Powers. Meantime, at their expense, she solicits from it commercial advantages for herself. England positively does not wish to belong to Europe, it won't throw in its lot with the Continental Powers [this clause in English], but desires to constitute an independent entity between this Continent and America or Asia."²⁴

The truth regarding England's position seems to be that Pauncefote either exceeded his instructions in convening the diplomats and planning further joint action or that the English Government underwent a change in sentiment about the time war broke out between Spain and the United States. The facts in the case can not be determined until England and France throw open their archives.

²⁴ *Ibid.*, XV, 28-29.

The documents published by Germany appear, however, to make clear the attitude of that government. The Kaiser, though he was the originator of the thought of intervention, can hardly be said to have pursued an aggressive policy with reference to the matter. The German Government urged mediation upon the European powers and the Pope, but the German Foreign Office pointed out from the beginning that Germany would not lead the movement for intervention. The German Government even felt that Spain should give up Cuba in order to avoid war. Throughout the whole affair the Kaiser was primarily interested in the preservation of the "monarchical principle." Possibly the Kaiser would have joined the Powers in the employment of more forceful means to prevent an outbreak of war and the defeat of Spain, but to assert that he undoubtedly would have done so is to draw an inference that is not supported by the documents.²⁵

As already intimated, the suspicion that the German government was attempting to oppose the interests of the United States deepened during the months of uncertainty when the solution of the Philippine problem was impending. At one time it was reported that Germany contemplated lending assistance to Spain; at another she was said to be preparing to support the natives; and more than once she was suspected of seeking an opportunity to take over the Philippines and the Sulu archipelago.²⁶

These apprehensions were nourished both by accident and by design. The mere appearance of a German Vice-Admiral before Manila with larger naval forces than had been sent in former times of unrest led some of the natives to assume that this official had come to aid the Spaniards. This opinion was so generally held that simple men in such a remote place as Mariveles, for instance, even asked the German officers when they were going to proceed against the Yankees. The appar-

²⁵ See Lester Burrell Shippee, "Germany and the Spanish-American War," in *Amer. Hist. Review*, XXX (1925), 763.

²⁶ See *New York Times*, July 13 ff.; *New York World*, July 14 ff.; *Literary Digest*, XVII (July 16 and 23), 86, 91, *passim*.

ently erroneous report of an unmusical Spanish sailor that a German Man-of-War, while passing an American vessel, had played the Spanish national anthem—it had probably been the American national hymn—provided further foundation for the rumor that Germany was favoring Spain; and the Spaniards, catching in their emergency at every straw, seem to have given credence to the report.²⁷

It does not seem strange, in view of the current rumors and tense emotions of war-time, that Commodore Dewey should have observed German naval proceedings with considerable suspicion—especially when so many sinister reports were brought to Dewey, for the most part, it would seem, from English sources, and when tactless and hostile utterances from German newspapers and alarming reports of the British journals kept poisoning the atmosphere.²⁸ Yet, it should be noted that, even so, the press exaggerated the friction of these two officials, for Dewey appears to have written Diederichs on April 16, 1899, as follows: "I rejoice that our differences have been of newspaper manufacture."²⁹

The documents published in *Die Grosse Politik* throw significant light on the attitude not only of Germany but of France and Russia as well. From them it is possible to trace the main outlines of the diplomacy of this second phase of the Spanish-American conflict.

Attention was drawn to the Far East by Dewey's defeat of the Spanish squadron in Manila Bay. On May 11 Prince

²⁷ Diederichs, "Darstellung der Vorgänge vor Manila von Mai bis August, 1898," in *Marine Rundschau*, I (1914), 253 ff. An English translation was published in the Royal United Service Institution *Journal*, LIX (1914), 421-446. Diederichs' "Statement" was intended as an answer to Dewey's *Autobiography* (New York, Scribners, 1913), pp. 252-267.

²⁸ Both Secretary of State Day and Andrew D. White attempt to counteract these rumors. (See Washington *Evening Star*, June 15, and New York *Staatzeitung*, June 16, 1898; also White, *Autobiography*, (19), II, 157 ff., and *Die Grosse Politik*, XV, 54 note.)

²⁹ Diederichs, *op. cit.*, (Eng. trans.), pp. 445-446. Jeannette Keim (*Forty Years of German-American Political Relations* (1919), p. 224 note) correctly remarks that the controversy was "of short duration" and "would have excited little comment in the United States had it not been interpreted by the American press and public to be indicative not only of anti-American sympathies on the part of Germany but also of that country's intention to annex the Philippines."

Henry of Prussia; then in command of the Asiatic squadron, cabled from Hong-Kong that the natives of the Philippine Islands had decided upon a rebellion, which would probably achieve success, and that they "would gladly place themselves under the protection of a European power, especially Germany." This the Prince had from a reliable German merchant from Manila. Three days later a cable corroborating this view was sent by the German Consul at Manila. He said that Spain's sovereignty over the islands was about to collapse and that the natives, unwilling to exchange the old master merely for another in the form of the United States, were planning to strike out for independence. He pointed out, also, that they showed a predilection for Germany and might offer their throne to a German prince. He then enquired whether this sentiment should be discouraged or allowed to develop freely.³⁰

Bülow immediately communicated with the Kaiser, discussing the Philippine question in all of its bearings. It was a matter of great importance, in which Russia and France as well as the United States and England would be interested, for "the control of the sea in the end may [might] rest on the question of who rules [ruled] the Philippines, directly or indirectly." Even if the Filipinos gave evidence that they were not trying merely to play off one power against another and unanimously took up arms in favor of Germany, this would be of little avail, because the permanent possession of the Philippines would depend upon sea power. Moreover, encouragement of revolution in the island would be contrary to the "principle of legitimacy" which formed the basis of German relations with Russia and Austria-Hungary. Indeed, the establishment of a German protectorate would be likely not only to involve Germany in difficulties with the United States but also to provoke a coalition of European powers against her. The idea of a protectorate should therefore be discarded. Division of the islands among the naval powers would be better. It might meet the approval of the naval powers in spite of press notices

³⁰ *Die Grosse Politik*, XV, 33-34 notes.

which indicated that the United States was going to claim all of the Philippines and that England would not permit European interference. More acceptable to Bülow, however, would be the neutralization of the archipelago by agreement of the naval powers. He believed that this would make possible a future settlement more favorable to Germany and, for the present, leave each party the silent hope that some day an opportunity to seize the entire group might offer itself. At any rate he felt that this proposal might be the most harmless means of securing information upon the aspirations of the nations interested. He was convinced that a successful move of any sort in the Philippines would depend upon an understanding with the United States and England—especially England, for should Britain and the United States reach an agreement regarding the islands the issue would be settled. He accordingly advised (1) that an attempt be made to ascertain whether Great Britain was eager to obtain her share of the Spanish spoils at once or would be satisfied if nobody got anything, and (2) that Admiral Diederichs be sent to Manila Bay to observe and report developments.³¹

The Emperor's comments written upon the margin of Bülow's letter show that he was in agreement with his secretary. Diederichs was soon dispatched to the Philippines and Hatzfeldt, German Ambassador in London, was directed to sound out the British Government. In instructing Hatzfeldt Bülow emphasized the fact that the Kaiser was opposed to the establishment of a protectorate but was determined to demand an adequate compensation in case the islands should fall wholly or partially into the hands of another power. If such compensation could not be realized at once, German diplomacy would have to direct its efforts towards the neutralization of the islands.³²

Hatzfeldt did not act immediately upon his instructions. He had already conferred with Lord Salisbury, British Foreign Secretary, and had not found him inclined to discuss the

³¹ Bülow to Kaiser Wilhelm II, May 14, 1898, *ibid.*, XV, 33-38.

³² *Id.* to Hatzfeldt, May 18, *ibid.*, XV, 39.

Philippine question.³³ The matter was therefore dropped for a few weeks.

Diederichs with a detachment of the German navy reached Manila Bay on June 12. His arrival aroused excitement in the United States and was even viewed as somewhat tactless by some of the European journals.³⁴ But it did not cause great uneasiness in official circles at Washington. The American Ambassador in Berlin was directed not to give assurances as to the Philippines and cautioned not to permit the fate of these islands to be involved with that of Samoa. A little later he was also asked whether he thought it was likely that the large German force at Manila would be withdrawn or reduced. But there was not sufficient concern to follow the matter up.³⁵

As already intimated, however, relations between Diederichs and Dewey soon became somewhat strained. Friction was occasioned by the failure of Diederichs to conform to the rules of neutrality as Dewey interpreted them. Near the middle of July matters reached a critical stage. Dewey became convinced that the German Man-of-War "Irene" had interfered to prevent the Filipino chief Aguinaldo from taking Isla Grande in Subig Bay. One of Dewey's officers had also been forced to fire across the bow of the "Cormorant" in order to compel it to stop for communications. On July 10 Diederichs's flag officer came to Dewey with a list of grievances and an explosion occurred. In a fit of anger Dewey said: "Why, I shall stop each vessel whatever may be her colors. And if she does not stop I shall fire at her!" The flag officer inquired of the irate commander whether he knew that such procedure would mean war, whereupon Dewey retorted: "And I tell you, if Germany wants war, all right; we are ready. With the English I have not the slightest difficulty; they always communicate with me."

When Diederichs reported the affair four days later he said that he attributed little importance to it, but he nevertheless remarked: ". . . I do not conceal from myself that in the

³³ *Ibid.*, XV, 39 note.

³⁴ Holleben to Bulow June 13 and 17, *ibid.*, XV, 41-42.

³⁵ Instructions of June 13, 18, and 22, MS. Department of State, Germany.

future the relations between the American squadron and ours will be somewhat strained and the greatest care must be taken to avoid incidents. The Americans refuse to trust our loyalty, especially since my arrival at Manila, and their suspicion is being strengthened by the circulation of rumors to the effect that Manila is being supplied with provisions by His Majesty's ships and that there will be more energetic meddling in the war on our part in the near future." On August 2, after fuller reflection, he wrote: "I must admit that so far as I am able to judge my coming here has not been favorable to the German cause. No one fails to let us know that he has seen through our alleged scheme. The Englishman was egging on in the background and so the Yankee was seized with an irritability which deprived him of calm reflection and made every movement of German ships appear suspicious. On both sides there was indignation because of the interruption of their former quiet life at Manila; perhaps also they were a little disturbed lest the partiality for Americans manifested by the English ships might be too closely observed. . . . I fear that we shall not be spared the open suspicion of having come here bent upon larger plans and of having been forced to retreat because the watchfulness of our opponents rendered the execution of our plans too difficult."³⁶

Meantime, Germany returned for a brief interval to the plan of neutralizing the Philippines. Spain had suggested to Germany, France, and Russia that the Powers assume control over Manila, and the Spanish Governor-General had gone so far as to urge Diederichs to receive the city *in depositu*. The Admiral refused to act without instructions; Bülow sounded out Paris and St. Petersburg and found that the proposal was not warmly received.³⁷ Germany then decided to urge a division of the spoils.

By this time, however, German diplomats had become convinced that their aspirations must be realized, if at all, through

³⁶ *Die Grosse Politik*, XV, 62 note.

³⁷ Bülow to Wilhelm II, June 21 and Consul Rieloff (Hong-Kong) to the Foreign Secretary, June 23, 1898, *ibid.*, XV, 42-44.

an understanding with the United States and on the basis of "live and let live." On July 1 a telegram was sent to Holleben, informing him of the Emperor's purpose "to leave unused no opportunity which may [might] arise from the Spanish-American War to obtain naval stations in East Asia." The Ambassador was instructed to observe closely the drift of public opinion, to ascertain the strength of annexationist sentiment, and find out what price Britain was expected to ask for her support of the United States in the Pacific. He was further directed to broach the idea of a *rapprochement* between Berlin and Washington, pointing out that Germany and perhaps Germany alone would be willing to back the territorial demands of the United States in the Far East. According to accounts in their respective newspapers, both France and Russia were opposed to the establishment of another great power in that region, and England was not accustomed to allow herself to get into trouble for the sake of a friend.³⁸

A few days later Berlin evinced even greater anxiety for an understanding with the United States. News got out that England was negotiating for some of the colonial possessions of Portugal; and, moreover, the English press appeared to be trying to frighten the United States into an alliance with Great Britain, using Germany as the bugbear.³⁹ Germany was quite naturally alarmed, but believing that an Anglo-American alliance—perhaps supplemented by one with Japan—would be ideal for England, Richthofen, German Acting Secretary of Foreign Affairs, felt that it would be futile to try to entice Britain from this course. He held therefore that all efforts to prevent such an alliance should be directed towards the United States. Accordingly, he suggested that Hatzfeldt might find it convenient to confer with the American embassy in London on the common interests of their countries. He also went on to point out that an understanding with Germany would be worth more to the United States than an Anglo-American alliance. Emphasizing the fact that Germany's territorial demands

³⁸ *Ibid.*, XV, 44-45.

³⁹ *Ibid.*, XIV, Part I, ch. 92.

would always be more modest than those of Britain, Richthofen declared that, in view of Germany's position in Europe and her limited financial resources, acquisitions on a large scale, as for instance the taking over of the Philippine group, would be quite out of the question. All that Germany wanted was naval and coaling stations in the Far East, such as were indispensable to any maritime power.⁴⁰

Hatzfeldt replied that the American representative in London was openly sympathetic with England and very taciturn. He feared that nothing would be gained from an interview with him, but that, on the contrary, the American Ambassador would immediately communicate any German proposals to the British Government. He accordingly suggested that negotiations for a German-American understanding be opened with the Ambassador of the United States at Berlin.⁴¹

The suggestion was immediately followed. On July 9 Richthofen had a long interview with Andrew D. White, then American Ambassador to Germany. Referring to a recent address of White's in which he had remarked that the attitude of Germany in the Spanish-American war had been entirely correct and neutral, Richthofen expressed a desire to make the American diplomat an intermediary for an exchange of views with Washington on a possible agreement between the two countries regarding colonial issues. White expressed himself as willing to do everything he could to advance friendly relations, but he said that he was uninstructed as to the plans of his Government. He frankly admitted, indeed, that he believed it had no plans. Thereupon, Richthofen, somewhat embarrassed, made in substance the following statement, which he desired White to consider as unofficial but as coming from one in close personal touch with the Kaiser:

⁴⁰ Instructions of July 6, *ibid.*, XV, 47-52.

⁴¹ Despatch of July 8, 1898, *ibid.*, XV, 52-53. Hatzfeldt's conviction of Hay's British leanings was perhaps well-founded. Hay's attitude toward Germany may be observed in a letter he wrote White regarding the Anglo-German agreement respecting China, in which he said: "At least we are spared the infamy of an alliance with Germany. I would rather, I think, be the dupe of China, than the chum of the Kaiser." (Letter of November 21, 1900, quoted in Keim, *op. cit.*, p. 239, note 43).

If Germany, along with the other powers, had observed a strictly correct attitude toward the belligerents in the war then being waged, she could justly lay claim to distinction in that she had been the only power which had actually been tempted to take an opposite course. It had been to the German Admiral alone that the Spanish Governor-General had offered Manila *in depositu*. This German official, in conformity with instructions from his superiors, had rejected the offer, but Mr. White must recognize that the maintenance of neutrality had involved particular difficulties. In the first place, the responsibility for the decision with reference to European intervention in the war had been thrust upon the German Emperor. The powers which might have been inclined to intervene had all awaited a signal from Berlin, and Spain had looked in the same direction for aid. If Germany had found ground for interference, Austria and France would have fallen in line immediately and Russia would have followed the lead of France while Italy followed that of Germany. Thus all the continental powers might have decided upon intervention. But His Majesty had seen fit to maintain a negative attitude toward every suggestion of this nature.⁴² In the second place, the sentiment of the German people might have prompted the Kaiser to take an unneutral course. While their attitude could not be described as Hispanofil, it must be admitted that it was not friendly toward America. This lack of friendliness could not be explained entirely by monarchist sympathy for the Queen Regent, on the one hand, and the feeling that the declaration of war had not been entirely justified, on the other; it had already existed to a certain extent even before the beginning of the war, and it had been caused less by commercial rivalry than by grievances in the colonial sphere. While the negotiation of the treaty providing for the annexation of the Hawaiian Islands

⁴² In his secret letter to the Kaiser of May 14, Bülow had spoken of discussions in the press of Russia and France relative to possible combinations to prevent the United States from acquiring the Philippines; either permanently or in order to transfer them to England. Yet, with respect to the earlier phase of the war, it was the German government that had proposed mediation. It will thus be noted that Richthofen is somewhat misrepresenting Germany's attitude.

was in itself not a source of discontent to the German people, they were undeniably disappointed that the United States did not thereupon cede her Samoan claims to Germany. The latter was far from grudging America the fruits of her victory in the present war or her position in the world. On the contrary, Germany was willing to support her in the peace negotiations, provided the United States would not oppose Germany's modest aspirations. Richthofen then declared his conviction that the history of the world during the next century would in large measure be determined by a proper understanding between the United States and Germany at the close of the Spanish-American War. If the United States should take a hostile stand towards Germany and form an alliance with Britain, this would lead to a coalition of France, Russia, and Germany and a feverish enlargement of fleets. Thus the United States would be forced to maintain its armaments after the close of the war. On the other hand, a German-American agreement would be more likely to promote peace and disarmament, for there would be little danger of a war so long as Germany could find it possible through a friendly understanding with the United States to avoid joining Britain on the one side or Russia and France on the other. Only by a *rapprochement* with Germany could the United States, without expenditures for preparedness and without bringing its own peculiar institutions into jeopardy, fully and completely realize its colonial aspirations.

In compliance with a request of White, Richthofen named the places which he "personally imagined" that Germany would like to obtain; namely, full possession of the Samoan and Caroline Islands—chiefly from considerations of national sensitiveness—and maritime fulcra in the Philippines and perhaps in the Sulus.

The entire interview was reported to have been very cordial, White having agreed with Richthofen in every respect. White declared that he believed German aspirations to be legitimate and perceived in German territorial expansion a means of

bringing the blessings of civilization to mankind. He recognized that the acquisition of coaling stations in the Pacific was essential to Germany and he would support her wishes in Washington.⁴³

Despatches from Holleben brought no definite information, for he had been unable to ascertain the colonial aims of the United States. He reported that the parties had no fixed programme, but that the administration was more disposed than the politicians to comply with German desires. He thought that the seizure of any Spanish possession by Germany would, at the moment he was writing, be considered an unfriendly act. He recommended that negotiations relating to commercial differences should be taken up at once in a spirit of cordiality in order that all grounds for hostility might be removed.⁴⁴

At length, on July 13, Hatzfeldt decided to discuss with John Hay the colonial issue and future relations between the United States and Germany. He found Hay's attitude far less satisfactory than had been that of White. Differing from the latter, Hay maintained that the United States had great interests in Samoa and ought not to give them up. He also hinted that, contrary to former intentions, his government might see fit to retain the Philippines. Hatzfeldt was even doubtful whether Hay would recommend to Washington a careful consideration of German interests in the Pacific.⁴⁵

About July 25 White, apparently moved by the tone of American press items, informed Richthofen, in a personal conference, that his government entertained friendly feelings towards Germany, but owing to the fact that the United States held nothing in its hands as yet, a discussion of the colonial question appeared premature. As a personal suggestion White added that the situation might be improved if the German vessels at Manila Bay would move back and forth in the neigh-

⁴³ *Ibid.*, XV, 53-58. For Samoan negotiations, see *ibid.*, XIV, ch. 96. White was not an imperialist, but he desired the acquisition of Hawaii and a few coaling stations in the Pacific.

⁴⁴ *Ibid.*, pp. 59-60, 65-66. Despatches undated but arriving in Berlin on July 13 and 28, 1898.

⁴⁵ *Ibid.*, XV, 60-61.

borhood instead of remaining stationary. Richthofen merely replied that these vessels had been sent solely to protect German subjects and commercial interests and that the German admiral at Manila ought to know how many vessels he needed. As a proof of Diederichs's reasonable disposition Richthofen mentioned the recent recall of the "Irene" from service in the Philippines.⁴⁶

When White and Richthofen met again, the latter, with Bülow's approval, expressed regret that the American Ambassador had made the remark about the German vessels at Manila. He said that if it should become known, it would offend both the German people and the Emperor, especially since the Kaiser was just as little disposed as the United States to suffer encroachments upon his rights. White begged Richthofen not to report this purely personal remark to the Emperor, but to consider it as unspoken. He declared that his only purpose had been to deprive those who had been carrying on propaganda against Germany, particularly Russia and England, of their chief argument. For the same reason he had dictated a denial of some of their insinuations to the correspondent of the New York *Staatszeitung*. White also promised to suggest to Washington an exchange of views on the territorial question, but negotiations between the two countries seem not to have taken place until after the opening of the Paris Peace Conference (October, 1898).⁴⁷

Meanwhile German diplomacy busied itself in London and Madrid. The opening days of August found Hatzfeldt still of the opinion that the United States did not desire to retain any portion of the Philippines save Manila, which was desired for a coaling station. He queried whether Spain might not be induced likewise to yield such a station to Germany. He felt that the consent of England and of the United States to this might not be unattainable and expressed a willingness to approach Lord Salisbury very cautiously on the matter.⁴⁸

⁴⁶ *Ibid.*, XV, 62-64.

⁴⁷ *Ibid.*, XV, 66-68.

⁴⁸ Despatch of August 3, *ibid.*, XV, 68-69.

But Richthofen held a different view regarding American ambitions. By August 5 he had become thoroughly aware of the waxing strength of the annexationist party in the United States. He thought, however, that England would be threatened more than Germany by the expansion of the United States into the Pacific and that Japan might not be kindly disposed toward American intrusion. He therefore suggested to Hatzfeldt that the neutralization project should be revived. This would necessitate a coaling station for each of the protecting powers and it might also be the means of saving the natives from the bloody revenge which the Spaniards would exact in case the United States perchance decided to withdraw.⁴⁹

The sequel showed that Richthofen had correctly interpreted the growing ambition of the United States, but he had not penetrated the mind of British statesmen. Toward the last of July Salisbury had given Hay to understand that England preferred to have the United States retain the Philippines. When the German Ambassador approached Salisbury on August 9, he therefore found the Foreign Secretary's attitude so negative with reference to the neutralization scheme that he deemed it unwise to reveal that he was acting under the express authority of Berlin.⁵⁰

But new prospects for Germany were opened up through Radowitz's report from Madrid (August 8) that Spain had about decided to dispose of all her distant colonies. Richthofen instructed him forthwith to make inquiries regarding the Philippines, the Sulus, the Carolines, and other South Sea Islands, as well as with respect to Fernando Po and the Canaries.⁵¹ When Richthofen learned soon afterwards, however, that the Spanish-American Peace Protocol (August 12) had placed the fate of the Philippine group in the hands of the peace commission, his interest in these islands appeared to have diminished. The naval detachment at Manila Bay was

⁴⁹ *Ibid.*, XV, 69-71.

⁵⁰ Hay to the Department of State, July 28, 1898, MS. Department of State, Germany; *Die Grosse Politik*, XV, 71-72.

⁵¹ *Die Grosse Politik*, XV, 72-74.

soon reduced and Diederichs himself was ordered to Batavia to represent Germany at the coronation of the Queen of the Netherlands. Germany still entertained some hope that the United States would not oppose her acquisition of a coaling station or two somewhere in the archipelago, but henceforth German diplomatic activity was directed principally towards the Ladrões (or Mariannes) and the Carolines.⁵²

On August 13, 1898, Radowitz was instructed to make inquiries looking toward the purchase of Kusaie, Ponape, and Yap. Although the Spanish government deemed it unwise to make a definite disposition of these possessions while peace negotiations were in progress,⁵³ persistent negotiations on the part of Germany led nevertheless to the following provisional agreement on September 10, 1898:

"The governments of Germany and Spain have agreed that the Islands of Kusaie, Ponape, and Yap, of the Caroline Archipelago, shall be ceded to Germany for an indemnity, the amount of which shall be fixed later. However, for the final treaty concerning the cession of said islands it will be necessary to await the decision of the conference of Paris regarding the sovereignty of Spain over the Philippine archipelago.

"Until this arrangement can be submitted to the constitutional sanction prescribed by the laws of the two countries the governments concerned pledge themselves to maintain the strictest secrecy."

The conclusion of the treaty was postponed in order that its terms might not interfere with the negotiations of the Spanish peace delegates at Paris. The stipulation of secrecy resulted from the desire not to irritate the United States as well as from the fear that a publication of the terms of the pact might rouse the ambitions of the other naval powers, especially England, and thus endanger the remainder of Spain's colonies. In addition to this agreement to sell the three Carolines, the Spanish Minister of State expressed a willingness to grant Ger-

⁵² *Ibid.*, XV, 74 note.

⁵³ *Ibid.*, XV, 74-75.

many favorable consideration in any future disposal of Spanish island possessions.⁵⁴

During the session of the Spanish American Peace Conference which sat in Paris from October 1 to December 10, the Spanish government made at least two appeals for German backing against the United States. Late in October, the Spanish Ambassador in Paris, León y Castillo, approached his German colleague, Count Münster, and inquired whether the Kaiser would support an intervention of the powers in favor of Spain. Münster replied that he had no instructions regarding the matter but expressed his personal opinion that pressure could be exerted neither in Paris nor in Washington. Any such move would wound the exaggerated pride of the Yankees and hence do more harm than good. Replying to Münster's report of this interview with Castillo, Richthofen informed Münster that the Spanish Ambassador in Berlin had also broached this subject and had been told that Germany could perhaps serve Spanish interests best by maintaining an attitude of reserve and avoiding all incentives for American suspicion. He directed Münster to make a similar statement to Castillo, but to do it in such a way as to lead Spain to believe that the Kaiser was greatly interested in seeing her emerge from the conference with as many colonial possessions as possible, for His Majesty was anxious that Spain should cherish a sentiment of gratitude towards Germany. Again, on November 5, Spain raised a cry of indignation because the United States demanded the Philippines and the Sulu Islands and offered in return only an indemnity of two hundred million *pesetas* or less. The Spanish Minister of State urged an intervention of the powers under the leadership of Germany and Russia, but the German Emperor, who had remarked concerning the proposal of late October that intervention was out of the question,⁵⁵ now appeared to consider such a step more absurd than ever.⁵⁶

⁵⁴ *Ibid.*, XV, 75-77.

⁵⁵ "Bestimmt nicht!"

⁵⁶ "!! Das fehlte noch!" (See *ibid.*, XV, 78-81.)

By November 15, it became evident that American and German interests were likely to clash in other areas besides the Philippines. At that time Münster learned from the Peace Commissioners that the United States desired a cable station on the Carolines and had therefore originally intended to demand all of those islands from Spain, but out of consideration for Germany had finally decided to demand only one of them. Upon receipt of this news von Richthofen instructed Münster to inform the American commissioners frankly that if the Carolines should cease to be Spanish, Germany expected that they should be transferred to her. She felt that she was entitled to the group both on account of old claims and because of large German investments. Münster was also directed to allude to the assurance of the American Ambassador at Berlin in 1885 that the United States claimed none of the Carolines and would consider the extension of her power into the islands of the Pacific as contrary to her long established policy. He was authorized to say, however, that the German government would be willing to allow the United States to establish a cable station in the Carolines in case the Ladrões should prove inappropriate.⁵⁷

Münster at once discussed the matter with Whitelaw Reid, an influential member of the American peace delegation. Reid assured him that German claims to the Carolines would be respected. He said that the United States desired only one island for a cable station and meant to negotiate with Spain for the one best adapted to this purpose, probably Kusaie.⁵⁸

The report of this interview did not allay German alarm. Kusaie was deemed by Germany to be the most important of the entire group, both on account of its excellent harbors and because of its situation amidst the Carolines and the German protectorates of the Marshall Islands and New Guinea. Münster was therefore advised to point out these and other circumstances and to persuade Reid to use his influence in

⁵⁷ Münster to the Foreign Secretary, November 16, and Richthofen to Münster, November 21, 1898, *ibid.*, XV, 81-83.

⁵⁸ See Richthofen to Bülow, November 22, 1898, *ibid.*, XV, 81-83.

Washington to bring about a total renunciation of the Carolines. In return, Germany was ready to make far-reaching concessions to the Boston Missionary station at Kusaie, concern for which she supposed to be the only motive for America's desire to acquire the island. Münster was also directed to suggest that Germany felt that her claims to the Sulu Islands, whose Sultan had placed himself under the protectorate of the Prussian King in 1866, should take precedence over those of every other power save Spain. If, however, the United States would fully comply with Germany's wishes with respect to the Carolines, the German government would be equally compliant and content itself with only one of the Sulus (appropriate for a coaling station). Lastly, Münster was instructed to refer to the Anglo-German treaty of 1886 which pronounced all the islands now claimed by Germany to lie within Germany's sphere of influence.⁵⁹

Speck von Sternburg, German *chargé* in Washington, was given similar instructions. He was also directed to emphasize the fact that public opinion in Germany would be deeply offended if the United States should take any of the Caroline Islands. This would be true above all in the case of Kusaie. For the sake of their friendship since the days of Frederick the Great and in view of their future proximity in the Pacific, the United States must be urged to abandon the project. If in addition to such abandonment the United States would grant Germany a Sulu island for a coaling station, the political relations of the two nations would then be placed upon a most intimate footing.⁶⁰

On November 28 and 30 Sternburg had interviews with Secretary of State Hay. The last of these proved more satisfactory than the first. Hay assured the German Ambassador, during the second interview, that the United States valued German friendship very highly and had no intention of running counter to her wishes. The United States could not abandon the idea of securing a cable station in the South

⁵⁹ *Ibid.*, *loc. cit.*, November 22, 1898.

⁶⁰ Instructions of November 26, 1898, *ibid.*, XV, 85-86.

Pacific, but she would be willing to exchange Kusaie for another island—one of the Marshall group, for instance. The American Government had never intended to take all the Caroline islands. It might even be willing to cede one of the Sulu islands to Germany as a favor, but not in recognition of a legal claim, for the Anglo-German agreement regarding the Sulus was not deemed binding upon the United States. If Germany had any proposals regarding the matter, Hay would be glad to consider them.⁶¹

Early in December negotiations with Spain concerning the South Sea islands were resumed. The Spanish government inquired if Germany would not prefer to buy all the Carolines and then settle the matter of an American cable station with the United States. Germany refused to assume this responsibility, but expressed a desire to acquire the rest of the group, the Pelew (or Palao) islands included. She likewise evinced a disposition to purchase the Ladrões (except Guam), Fernando Po, and one of the Canaries.⁶²

For dynastic reasons the Spanish Government feared to dispose of the Spanish islands adjacent to the African coast when it was just losing the Philippines. It also feared that such a step would arouse English ambitions. It did, however, sign a secret provisional treaty on December 21, which considerably enlarged the cessions provided in the secret agreement of September 10. By this December pact Spain agreed to sell to Germany, for a sum to be fixed in the future, not only all of the Carolines, but also the Pelews and the Ladrões (except Guam). Indisposition to offend the United States may perhaps be seen in this exception of Guam as well as also in the failure to include Kusaie in the December agreement until it was learned that this island did not form a part of the Spanish-American peace regulations signed on December 10.⁶³ Thenceforth, Germany felt justified in considering the arrange-

⁶¹ Sternburg to the Foreign Secretary, November 30, *ibid.*, XV, 86-87.

⁶² *Ibid.*, XV, 87-89.

⁶³ *Ibid.*, XV, 90-94.

ment with Spain as one which solely and exclusively concerned the contracting parties.

And yet Germany was willing to talk the matter over with the United States. She even went so far as to ask for official assurance of non-interference. This she received from John Hay, but the American Secretary took advantage of the occasion to inform Germany that her former protest in regard to Kusaie had caused displeasure in Washington. Hay then suggested that the United States might take the unowned Wake Island for a cable station, but expressed a doubt as to its adequacy for the purpose. In case it should prove inappropriate, Hay remarked that the United States would like to negotiate with Germany for one of the Marshall Islands (Gaspar Rico), for which she would be glad to grant Germany a coaling station on the Sulus.⁶⁴

Holleben was advised to tell Hay, in response to these suggestions, that Wake Island had always been considered by Germany as a part of the Marshall Islands, but that Germany did not desire to press this point. Germany would quite willingly cede Wake or Gaspar Rico, or even Eniwetok, and hoped the United States would soon decide upon the island of the Sulu group which she preferred to transfer to Germany.⁶⁵

Only one more conference between Hay and von Holleben is dealt with in the published correspondence. It took place early in January, 1899, and was unsatisfactory to Germany. Hay's attitude was far less obliging than formerly. He alluded again to Kusaie, or Strong Island as he called it, remarking that it was the most appropriate place for an American cable station. He likewise intimated that Germany should be content with the lease of a coaling station in the Sulu Archipelago and spoke of the irritation that would arise in the Cabinet and Senate of the United States should these negotiations become known before the ratification of the Spanish-American Peace Treaty.⁶⁶

⁶⁴ *Ibid.*, XV, 94-97.

⁶⁵ Bülow to Holleben, January 3 and 12, 1899, *ibid.*, XV, 97-98.

⁶⁶ Holleben to the Foreign Secretary, undated but received on January 15, 1899.

Bülow thought that Hay was influenced by the storm of indignation against Germany then passing over the United States, chiefly roused by the large meat-packing industries which resented the new German meat-inspection law.⁶⁷ In his comment to the Kaiser on this interview Bülow suggested that Germany should not allow herself to be driven to new concessions because of this rekindling spirit of animosity. America had already officially declared through the Paris Peace Commission that she had abandoned her Kusaie project in favor of Germany and that arrangements concerning the South Sea Islands now left to Spain were a purely Spanish-German affair.⁶⁸ There was no reason why Germany should re-open this question, nor should she condescend to enter upon negotiations for a lease of a coaling station on the Sulu Archipelago in exchange for a lease to America of a coaling station on Kusaie when a Sulu island had already been adjudged to her in principle.⁶⁹

Bülow was plainly piqued. Perhaps his attitude may be further explained by the rumor of a revolt of the natives in Ponape, said to have been instigated by American missionaries. Bülow feared that the United States might be persuaded by the Boston missionary station to interfere and thus get a permanent hold upon the island. He accordingly recommended that a German Man-of-War be stationed in the Carolines until their future should be decided. The Emperor first gave his consent, but soon afterwards canceled the order because of the crisis threatened by the Fashoda Incident and of anxiety to avoid a collision with the United States. He said that "it was now the task of diplomacy to avoid difficulties and misunderstandings with the United States so long as that was compatible with the dignity of the Empire."⁷⁰

⁶⁷ Keim, *op. cit.*, Ch. IV, discusses these commercial difficulties at some length. See also U. S. *For. Relations* (1896-1898), index.

⁶⁸ See Bülow to Holleben, December 28, 1898, *ibid.*, XV, 94-96.

⁶⁹ Bülow to Wilhelm II, January 15, 1899, *ibid.*, XV, 99-101.

⁷⁰ *Ibid.*, XV, 99-101. This corresponds to Bülow's statement, made in 1914, that friction between the United States and Germany "reached its height in February, 1899, so that it seemed desirable strongly to advocate preparations for a better understanding between the two nations. . . ." (*Imperial Germany*, New York, Dodd, Mead, 1914, p. 50).

The negotiations respecting the South Sea Islands were then brought to a speedy and definite conclusion. On February 4, 1899, Germany agreed to pay Spain twenty-five million *pesetas* for the Caroline, the Pelew, and the Ladrones Islands (except Guam). Spain also bound herself to allow Germany, in addition to these concessions, to have first option in case the Spanish government ever decided to alienate Fernando Po.⁷¹ The treaty was finally ratified in June, 1899—almost three months after the ratification of the agreement which concluded the Spanish-American War.⁷² The United States had not acquired a cable station in the Carolines, but neither had Germany obtained a coaling station in the Sulus, which went to the United States along with the Philippines and Guam. Moreover, on January 17, 1899 an American Man-of-War had seized Wake Island,⁷³ in spite of the German contention that it was in reality a part of the Marshall group.

What generalizations may be made with respect to the attitude of the European Powers and especially of Germany in this second phase of the Spanish-American War? There is no doubt that Germany was more deeply interested than in the matter of Cuban mediation. The Government revealed, however, neither an overweening eagerness to interfere nor a policy of adventurous aggressiveness. Neither the Filipino insurgents nor Spain herself could tempt it to take over the Philippines as a protectorate or in escrow. Nor does Germany appear to have sought to defeat American interests in the Philippines. It was a long time before German diplomats or even American statesmen themselves knew what these interests were, and plans for neutralization or division of the islands were dictated less by the wish to hinder the growth of the United States than by the desire—which seems to have been the primary motive of all of Germany's activities during the second phase of the Spanish-American War—to secure either a fair share of the

⁷¹ *Ibid.*, XV, 102-103.

⁷² *Ibid.*, XV, 104-105 and notes; French Ensor Chadwick, *The Relations of the United States and Spain*, (New York: Scribners, 1909) II, 427-473.

⁷³ John Bassett Moore, *Digest of International Law*, Washington: Government Printing Office, 1906, I, 575.

Spanish spoils during the general distribution or compensation elsewhere. Aggressiveness here related as much to other powers as to the United States. In fact Germany appears to have preferred, after the first of July, to reach her ends—which Andrew D. White more than once pronounced legitimate—in harmony with the United States and on the basis of the principle of “live and let live.” The impartial historian will perhaps record the view that Germany was fully as moderate as the United States in the Pacific phase of this war with Spain. Of course it must be admitted that Germany’s moderation was due in part to the coldness with which all projects for neutralization and distribution of the spoils were received by England, France, Russia, and Spain and in part to a realization of the need of American friendship. Possibly Germany might have been more aggressive if international combinations and attitudes had been different, but here again one enters the realm of speculation; and, besides, it was an era characterized by lust for colonies on the part of all the Powers. Even Germany’s secret colonial treaties with Spain lose something of their sinister aspect—if indeed this is not too strong a term—when it is borne in mind that they were not binding until after the conclusion of peace. And if Admiral Diederichs’s conduct at Manila Bay was really offensive, it was out of harmony with the course pursued by his superiors at Berlin.

With reference to the entire war it must be concluded that official Germany, whatever their desires and aspirations, observed a neutrality which, in the words of Andrew D. White, was neither “cold nor grudging” but “all that could be desired.”⁷⁴ The Kaiser and his diplomatic staff had monarchical interests to protect and colonial ambitions to realize, but they also saw the importance of avoiding the hostility of the United States.

It is proper to note also that the documents from the German archives do not justify a change of view with respect to British attitude. It is a well known fact that the British naval officer at Manila Bay (Captain Chichester) was friendly, that the

⁷⁴ See his Leipzig Speech of July 4, 1898, and his *Autobiography*, II, 168.

Royal family was sympathetic, that the press was generally favorable, that Colonial Secretary Joseph Chamberlain actually suggested an Anglo-American alliance in a speech made at Birmingham on May 13, 1898, and that Ambassador Hay believed that the United States "could have [had] the practical assistance of the British Navy," if this had been desired.⁷⁵ Except for the contention that Pauncefote took the initiative in an attempt to obtain joint condemnation of America's war upon Spain, the German documents tend to confirm the deep sympathy of Britain. After April 14, 1898, German officials observed this attitude on every hand; and even in regard to the Pauncefote incident itself they convey the impression that the Ambassador acted with the intention of drawing the Continental powers into an awkward position with reference to the United States.

As for Austria-Hungary, France, and Russia, it would seem that they played little more than a minor rôle. Germany agreed to the joint mediatory note of April 6 largely to please Austria⁷⁶ and declined to participate in the proposed joint action of April 14 largely because Russia disapproved the step. Similarly, it appears that she abstained from pressing the neutralization project on one occasion mainly because it was coldly received by France⁷⁷ and Russia. Yet the documents make it clear that she was usually most concerned with the attitude of England and the United States.

⁷⁵ Reuter, *op. cit.*; R. B. Mowat, *The Diplomatic Relations of Great Britain and the United States* (1925), p. 280; and authorities cited by each.

⁷⁶ The *London Times* (1925) correspondent at Vienna in 1898 said in 1924 that the Austrian Ambassador to Rome was very hostile towards the United States. "With an acrimony rare in a man of his courteous temperament, he animadverted on the criminal shortsightedness of England in not opposing the designs of the United States. He assured me that the Emperor Francis Joseph, like the German Emperor, believed that the moment had come for the States of Europe jointly to make a stand against American high-handedness, and to bring the United States to reason. Indeed if England persisted in maintaining her foolish attitude, which was really encouraging the United States to flout Europe, she might find that Europe would turn against her. Germany, Austria-Hungary, France, and Russia would be ready to join in a European manifestation, and, if England would play her part, Italy might join too. Baron Pasetti [the Austro-Hungarian Ambassador to Rome] therefore urged me to represent to the British public the extreme expediency of concerted European action lest an opportunity be let slip that might never recur." (Quoted in Mowat, *op. cit.*, p. 281.)

⁷⁷ France's transmission of the Spanish request for peace (August, 1898) was purely a formal matter.

III. THE MONROE DOCTRINE AND THE PANAMÁ CONGRESS

BY GUION GRIFFIS JOHNSON

It is a matter of significance that two years after President Monroe delivered to Congress his famous message of December 2, 1823, interpretations of its content and meaning were made which differed remarkably from the original conception of it.¹ President Adams, who had held the cabinet office of major importance in the Monroe administration, was himself the first to place a new emphasis upon the Monroe declaration. In a special message to Congress, December 26, 1825, the President suggested the propriety of the United States being represented at the Panamá Congress and indicated that this conference of American states might take some action upon the Monroe message. Interpretations of the Monroe message by Congress and by the press quickly followed. They are important in that this was the first official analysis of the declaration and the first popular examination of it.

After the Panamá question had been under heavy fire in Congress for more than three months, the *National Intelligencer* expressed the thoughts of many when it wrote editorially in its issue of March 28, 1826:

The late President's Message to Congress of December 2, 1823, which we never were able to satisfactorily expound to ourselves, though it seemed to pass uncontradicted at the time, was pregnant with more momentous doctrines, than any one of our State Papers since the Declaration of Independence. . . . It will require more

¹ For works on the Monroe Doctrine see: Shepherd, W. R., "The Monroe Doctrine Reconsidered," *Political Science Quarterly*, XXXIX, 36-66; Moore, John Bassett, *The Principles of American Diplomacy*; Alvarez, Alejandro, *The Monroe Doctrine*; Bingham, H., *The Monroe Doctrine—an Obsolete Shibboleth*; Edgington, T. B., *The Monroe Doctrine*; Hart, A. B., *The Monroe Doctrine—an Interpretation*; Root, E., *Latin America and the United States, Addresses on International Subjects*; Thomas, David Y., *One Hundred Years of the Monroe Doctrine*; and in Spanish: Cárdenas, Raúl de, *La política de los Estados Unidos en el continente americano*; García Mérou, Martín, *Historia de la diplomacia americana: política internacional de los Estados Unidos*; Lobo, Helio, *De Monroe a Rio Branco*; Pereyra, Carlos, *El mito de Monroe*.

than one reading, even with the additional light we now have, to perceive the whole effect of this official declaration. We perfectly well remember to have read over this passage once, twice, and again, in the week following the date of it, and to have put to ourselves the question, whether it was to be regarded as the aspiration of an abstract sentiment, or the deliberate expression of a fixed purpose; whether, in short, we were, or were not, on the case occurring, to suit the action to the word, and maintain by force what we had asserted as incontrovertibly true.

Two years earlier the *National Intelligencer* had remarked that the President's message was creating a sensation wherever it was read.² Mr. Daniel P. Cook, representative from Illinois, in the debate on the Panamá Mission spoke of the message as a "declaration hailed throughout this country with perhaps an imprudent enthusiasm."³ Within a week after the Monroe message had been delivered, at least thirty thousand copies of it had been printed and distributed to every part of the country. An anonymous writer said in the *North American Review* that the pledge of the President concerning the South American countries might be "considered as sacred and permanent, so far as the warm and universal approbation of the country when it was given, may be regarded as clothing it with that character."⁴ In discussing that part of the message "where the president suggests the possibility that the 'allied powers' may attempt an extension of their 'political system' to Mexico and the South American states," *Niles' Weekly Register* warns Congress that "the present is not a time to trifle or tamper with our means of defence . . . their efficiency should be kept up and increased."⁵ The House of Representatives passed December 24, 1823, a resolution asking the President to lay before the House such information as he might possess relative to the determination of any sovereign or combination of sovereigns to assist Spain in the subjugation of her late colonies.⁶

² *National Intelligencer*, Dec. 11, 1823.

³ *Niles' Weekly Register*, XXX, 87. April 1, 1826.

⁴ *North American Review*, 13: 174.

⁵ *Niles' Weekly Register*, XXV, 209. Dec. 6, 1823.

⁶ *Ibid.*, p. 318, January 17, 1824.

In England the message was received, Lord Brougham declared, "not only with satisfaction but with enthusiasm." In those Hispanic-American countries which seem to have heard of the declaration, it was supported both by the governing powers and by public opinion.⁷ Less than two months after the message had been pronounced, January 20, 1824, Henry Clay introduced into the House a joint resolution which followed closely the words of the President:

That the people of these States would not see, without serious inquietude, any forcible interposition by the Allied Powers of Europe in behalf of Spain, to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves, respectively, independent governments, and which have been solemnly recognized by the United States.⁸

On January 24, Joel R. Poinsett introduced a similar resolution in the House which, together with that of Clay, was "intended to give a more distinct expression of opinion" and "make the impression general, that we were in accord as it regarded resistance to any attempt on this continent."⁹ But on May 26, Mr. Clay announced that he "should continue to abstain from pressing upon the attention of the House his resolution" which "proposed an expression of the feelings of Congress in regard to an attack supposed to be meditated by Allied Europe upon the independence of Spanish America," that events since the President's message tended to show that "if such a purpose was ever seriously entertained, it has been relinquished," and that to pass the resolution "in the absence of any sufficient evidence" of such an abominable purpose might

⁷ Alvarez, Alejandro, *The Monroe Doctrine*, New York, 1924, pp. 10-12.

⁸ *Annals of Congress*, 1823-24, I, 1104.

⁹ Explanation made by J. S. Johnston, senator from Louisiana, in the debate on the Panamá Mission. *Cong. Debates*, 19 Cong. 1 sess., 1825-26, II, part 1, p. 226. Mr. Poinsett's resolution was as follows:

"That this House concur in the sentiments expressed by the President, in relation to this hemisphere, and would view any attempts to oppress or control the free Governments of America, South of us, by the allied Powers of Europe, as dangerous to the peace and happiness of the United States, and that such measures as may be deemed expedient to protect them from the attacks of any Power, other than that of Spain, alone and unassisted, will meet its cordial support."

be thought "unfriendly, if not offensive."¹⁰ Nothing more definite was said or done on this subject in Congress for more than two years. Although President Monroe's message was referred to by Secretary Clay on several occasions in dealing with foreign countries, neither the public nor the legislative department of the government was aware that any such use had been made of it.¹¹ The most important of these instances was the note which Mr. Clay addressed to Mr. Everett, minister to Spain, April 27, 1825, in regard to the transfer of Cuba and Porto Rico to a European power. In taking the position that the United States would prefer that Cuba and Porto Rico should remain dependent on Spain, the Secretary of State foreshadowed the interpretation of the Monroe Doctrine which President Polk was later to make. The substance of the note which Mr. Clay sent to the United States minister to Spain is as follows:¹²

If the war should continue between Spain and the new republics, and those islands should become the object and the theater of it, their fortunes have such a connection with the prosperity of the United States that they could not be indifferent spectators; and the possible contingencies of such a protracted war might bring upon the Government of the United States duties and obligations, the performance of which, however painful it should be, they might not be at liberty to decline.

No serious attempt to interpret the Monroe message was made until the question of sending delegates to the Panamá Congress arose. In 1824, when Bolívar was president of Peru, he sent a circular letter to the governments of Hispanic-America inviting them to meet in Panamá in order to outline the bases of a pact of union, association, and confederation. The idea of a union or confederation of all the states of Hispanic-

¹⁰ *Annals of Congress*, 1823-24, II, 2763.

¹¹ For such instances see Moore, John Bassett, *Digest of International Law*, Washington: 1906, VI, pp. 412-416; 434; 457-458.

¹² *Ibid.*, p. 447. Mr. Clay wrote on Oct. 25, 1825 to Mr. Brown, minister to France, that the United States "could not consent to the occupation" of Cuba and Porto Rico "by any other European power than Spain, under any contingency whatever." *Am. State Papers, For. Rel.*, V, 855.

America seems to have been dominant in the thoughts of many statesmen of those countries. It was enunciated in 1810 by the Chileans, Martínez de Rozas and Egaña, by the Government Council of Buenos Aires in the credentials of Alvarez Jonte, their delegate to the Congress of Santiago de Chile, and by Bernardo O'Higgins in his Manifesto to the People of Chile, May 5, 1818.¹³ Bolívar, however, consistently emphasized this idea more than any other leader. He invited the republics of the continent in 1822 to draw up treaties of "union, association and perpetual confederation." Colombia actually concluded such treaties with Chile, Perú, México, and Central America. The Panamá Congress was called to set forth the principles of the confederation which was proposed in these treaties. The United States was also invited by Vice-President Santander to be represented at the Congress, for it was proposed to enunciate principles similar to the Monroe message and to discuss means for abolishing the slave traffic.¹⁴

President Adams accepted the invitation for the United States and in his special message to Congress on the subject outlined the objects of the proposed conference. But the man-

¹³ For a copy of these documents see Alvarez, *The Monroe Doctrine*, pp. 132, 133, 134.

¹⁴ Congress had serious objections to the United States being represented at the Panamá Congress because of the informal manner in which the invitation was extended and the lack of deference showed the United States. The report of the Senate Committee on Foreign Relations upon this point is as follows:

"The negotiations previously entered into between the new States, were brought to a close, and conventions providing for the objects of the proposed Congress, were actually concluded, some of them so far back as the 6th day of July, 1822. . . . It thus appears, that, after every thing relative to the meeting of the proposed Congress had been settled, by formal negotiations and treaties between themselves, the United States have been thus loosely invited by the other American States, as if in mere courtesy, to attend its deliberations. . . . The Committee are well aware that the interest and character of free States, should never be permitted to rest upon matters of mere fastidious etiquette and ceremonious observance; but even in the intercourse between individuals, and much more in that between sovereignties, there is a point at which form becomes substance, and when scrupulous attention, to the most minute ceremonials that comity and respect exact, is due to the sacred character and dignity of the Republic." *Senate Executive Document*, No. 68, pp. 72-73. 19th Cong. 1st. Sess.

It is probable that Bolívar did not desire the presence of the United States at this Congress. Perú la Croix, one of Bolívar's officers, records in his diary that the General in conversation with him on this point stated that he had not included the United States in his plans. He had assembled the Congress as only a piece of bravado (*fanfarronada*). Perú la Croix, L., *Diario de Bucaramanga*, Paris: 1912.

ner in which the mission was presented to Congress made it a matter of opposition to the administration to refuse it.¹⁵ The proposition caused unusual excitement, and on all sides it was pronounced to be the most important subject before the government since its foundation, not excepting the War of 1812.¹⁶ Public interest in the matter, however, was not aroused until the contention in the Senate, carried on behind closed doors, was rumored abroad. Newspapers scolded the Senate for attaching so much importance to a matter from which "no particular benefit" would result "beyond a mere interchange of courtesies with our sister republics."¹⁷ But as the debates continued violently in both Houses, the people became agitated. Senator Benton, who spoke in opposition to the Panamá Mission, later described the subject as one giving rise to grave questions. "It inflamed the passions of parties and individuals, raised a tempest before which Congress bent, made bad feeling between the President and the Senate; and led to a duel between Mr. Randolph and Mr. Clay."¹⁸ The nomination of Richard Clark Anderson of Kentucky was finally confirmed by a vote of 27 to 17 and that of John Sergeant of Pennsylvania by a vote of 26 to 18. Colonel Benton admits the vote to have been a party one, "the democracy, as a party, being against it." "But of those of the party who voted for it," the Senator said later, in an attempt to explain the cause of the party defeat, "there was afterwards, either to themselves or relatives, some large dispensations of executive patronage."¹⁹ In the House the vote for the administration measure was on most occasions 99 to 94, but on the final passage of the appropriation bill late in April it was 134 to 62. During the course of the discussion on the subject, the House rejected in Committee of the Whole the McLane Amendment which was a qualification on the power of the executive to instruct the

¹⁵ Benton, Thomas H., *Thirty Years' View, Or a History of the Working of the American Government for Thirty Years*, New York: 1854, I, 65-69.

¹⁶ *Cong. Debates*, 1825-26, II, part 1, p. 342.

¹⁷ *National Intelligencer*, Jan. 26, 1826; March 16, 1826.

¹⁸ Benton, *op. cit.*, I, p. 56.

¹⁹ *Ibid.*, p. 66.

ministers and to bind the United States government to action. Later the qualification was agreed to, but finally was rejected by a large majority.²⁰

The debates turned not on the persons nominated but on the mission itself. The occasion gave rise to questions of constitutional law and of national policy, the importance of which has survived the subject which gave rise to them. Prominent among these significant questions was the interpretation of the Monroe message of 1823. The interpretation of this declaration gave rise to considerable surprise in some quarters. Colonel Benton observed that the new interpretation had entirely modified "this 'Monroe doctrine' (according to which it has been of late believed that the United States were to stand guard over the two Americas, and repulse all intrusive colonists from their shores)."

Students of the Monroe Doctrine are prone to dismiss this first public interpretation of the Monroe message on the ground that it was colored by party strife.²¹ It has been overlooked,

²⁰ This action on the part of the House of Representatives gave rise to considerable conjecture by the press. Some cry of bargain was heard which occasioned several who had changed their votes to write letters of explanation to the public. Wickliffe, of Kentucky, who voted for the measure, explained the vote in a short speech in the House April 25:

"The Panama question had been met, and its nature and character tested by the vote upon the amendment offered by the gentleman from Delaware (Mr. McLane). That amendment, after full and elaborate discussion, had been adopted by a vote of 99 to 94. . . . The opinion of this house was expressed in language too strong to be misunderstood, and too powerful to be disregarded. The friends of the measure then moved to lay the resolution and amendment upon the table. . . . On the next morning, by a counter-march upon the *right-wing*, eighty-three members, who were for the mission in its unrestricted sense, went over to the enemy's camp, and united with the sixty-two who were opposed to the mission as wholly inexpedient: and thus the two extremes, uniting for different reasons, produced the result of 143 votes against the expediency of the mission, leaving 54 who were in favor of it, restricted as it was by the vote of the house.

"The house then took up the bill appropriating the money to defray the expenses of the mission, and it passed to a third reading by a vote of 134 to 62. The eighty members who had just voted the mission inexpedient united with the fifty-four who had voted for the resolution as amended. The journals of this house, by this shifting and changing sides, is made to speak a language contrary to the deliberate judgments of a majority of the members." *Niles' Weekly Register*, XXX, 248. June 3, 1826.

²¹ See Edgington, T. B., *The Monroe Doctrine*, Boston, 1905, pp. 55-59. Thomas, David Y., *One Hundred Years of the Monroe Doctrine*, New York, 1923, pp. 48-50.

The contemporary press also emphasized the party conflict involved in the

however, that both those who favored and those who opposed sending ministers to the Panamá Congress were in accord as to their interpretation of the Monroe message.²² It must be pointed out that this accord was more of an agreement as to what the Monroe message was not than as to what was positively involved in it. Nevertheless, the debates in Congress, the messages of President Adams and the papers of Secretary Clay, the invitations and replies of the various governments concerning the Panamá Congress, all give an interpretation to the message contrary to the conception of it held by the average American reader in 1823. The *Baltimore American* wrote in the heat of the debate in the House that if President Monroe's message was not a pledge on the part of the United States "to prevent all attempts made by any other European power than Spain to reduce the South American Republics, we confess ourselves ignorant of the meaning of words."²³ The Maryland State Legislature adopted a resolution favoring the Panamá Mission as did also the legislature of Pennsylvania.²⁴

Panamá question. "Heaven forbid," wrote *Niles' Weekly Register*, May 6, 1826, "that so great a hazard of the public peace should be made because of a personal opposition to one individual or a personal preference to another. . . . Political differences may not be allowed to endanger the safety of the republic; and the truth will soon and certainly appear to all the people of the United States, as it has to Mr. Brent (of Louisiana)—as a great effort on the part of the administration to preserve Cuba to Spain, and otherwise secure the safety of the South."

²² See especially the debates in the Senate of Van Buren, Hayne, and Johnston, and in the House of Wickliffe, McLane, and Webster. *Cong. Debates* 1825-26, II, parts 1 and 2.

²³ Reprinted in *National Intelligencer*, April 1, 1826.

²⁴ The Pennsylvania resolution was as follows:

"Whereas, the president of the United States, in his late message, has informed the country that the republics of the south have invited our government to send representatives to meet them in congress to be held in Panama; and as, on a recent occasion, the legislature of the state adopted a resolution approbatory of president Monroe, in defence of the cause of liberty in the western hemisphere, thus manifesting its sympathy with and deep interest in the establishment of other republics, based like its own, upon the just acknowledgment of the rights of man. Therefore resolved, by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, that the policy of a mission to Panama, comports, in an eminent degree, with the liberal principles of the day, and is calculated not only to foster and protect those who merit our support as friends of freedom, but also, to familiarize our government with the views and resources of a people rising in the majesty of their strength, in the scale of national importance." *Niles' Weekly Register*, XXIX, 402.

The interpretations given the Monroe message by the executive and legislative departments of the United States government and by the Latin American countries concerned with the Panamá Congress may be grouped under the following heads: (1) content of the message, (2) the non-colonization principle, (3) the message as an ideal of national liberty, (4) the regional incidence of the message, (5) the message as a principle of self-defense, (6) the message as a presidential asseveration.²⁵

There seems to have been little disagreement in Congress as to the content of President Monroe's message, but some difference of opinion as to the point of chief emphasis. Senator Van Buren in reciting the occasion of the Monroe message held that the message contained certain definite points applicable to certain definite situations. He explained that from 1818 to 1823 "a sort of rivalry existed in this country between the President (Mr. Monroe) and a *quasi* opposition to his administration, on the subject of Spanish American affairs."²⁶ Mr. Monroe, therefore, "determined to crown the measures of the Government, upon this subject, by adopting a course of relation to it, which, while it rendered efficient service to the Spanish American cause, could not fail to secure to his administration the reputation of being its greatest patron." Under these circumstances, he made the assertion concerning the extension of the European system to this hemisphere, the interposition in Spanish America, and the neutrality of the United States. And further, explained Mr. Van Buren, in the discussion with Russia relative to the northwestern coast of this continent, the occasion was embraced for asserting that the American continents were not subjects for future colonization.

Senator Mahlon Dickerson, of New Jersey, speaking in

²⁵ The efforts to arrive at a constructive definition of the Monroe Doctrine have been listed by Professor W. W. Pierson as follows: "the Monroe Doctrine regarded as: (a) a unilateral declaration of policy, (b) a sentiment of hemispheric solidarity, (c) an ideal of human and national liberty, (d) a regional understanding, (e) a principle of self-defense, (f) a presidential asseveration, (g) a *doctrine*." *Hispanic-American History: A Syllabus*, Chapel Hill, 1926, p. 136. It will be seen that expressions applicable to at least six of these categories were made in the discussion of the Panamá Mission in 1826.

²⁶ *Cong. Debates*, 1825-26, II, part 1, p. 242.

opposition to the Panamá Mission, said that the President in his message to Congress in December, 1823, stated that²⁷

the allied Powers of Europe could not extend their political system to any portion of either continent of America, without endangering our happiness; that we could not believe that our Southern brethren, if left to themselves, would adopt it of their own accord; and that we could not behold such interposition, in any form, with indifference. And the still more memorable pledge, in the same message, that the American continents are henceforth, not to be considered as subjects for any future colonization by any European Powers.

Senator J. S. Johnston, of Louisiana, speaking in favor of the Mission, said that "the declaration of the President admonished neutral nations not to interfere with Spain and her colonies,"²⁸ while Senator Hayne pointed out that "the substance of Mr. Monroe's statement was 'that he should consider any attempt on their part (the Powers of Europe) to extend their system to any portion of this hemisphere, as dangerous to our peace and safety,' and as the 'manifestation of an unfriendly disposition towards the United States.'"²⁹

There was less disagreement concerning the non-colonization feature of the Monroe message. Most of the debaters in Congress maintained that it was absurd to hold that the United States was pledged to prevent European colonization. Senator Hugh L. White, of Tennessee, expressed himself as being surprised that one of the subjects specified for discussion at the Panamá Congress by Bolívar was a proclamation "in regard to the necessity for the European powers of abandoning all ideas of further colonization on this continent." If the Monroe message were cited as the basis for the topic, the Senator wished to assure Spanish America that the non-colonization clause was a "sentiment thrown out in opposition to the pretensions of Russia in the Northwest."³⁰ Since that matter was

²⁷ *Ibid.*, p. 296.

²⁸ *Ibid.*, p. 224.

²⁹ *Ibid.*, p. 162.

³⁰ *Ibid.*, p. 206.

settled in 1824, "there can now be no necessity for an agreement upon that subject."

The report of the Senate Committee on Foreign Relations, which was drawn by Littleton W. Tazewell and read by Nathaniel Macon, ridiculed the idea of making an agreement concerning non-colonization or of warning Europe against it:³¹

Every spot known or habitable in America, is already appropriated by different nations, whose rights of territory all recognize; and, if trifling differences may exist between any, upon the subject of mere boundary, these differences constitute fit matter of friendly discussion between them alone. The idea of colonization in America, therefore, no longer exists.

Senator Hayne, of South Carolina, declared that the idea of stipulation against colonization was "degrading and unmeaning, unless it is intended that we shall guaranty to the new States the possession of their territories; and, if that is the plan, it is as unwise as it is dangerous."³²

It was in connection with the non-colonization principle that President Adams developed his interpretation of the Monroe message as a principle of national liberty. One of the subjects which might be discussed at the Panamá Congress, said the President in his special message to Congress December 26, 1825, was "an agreement between all parties represented at the meeting that each will guard by its own means against the establishment of any future European colony within its borders."³³ The non-colonization principle was, President Adams explained, "more than two years since announced by my predecessor to the world as a principle resulting from the emancipation of both the American continents. It may be so developed to the new southern nations that they will feel it as an essential appendage to their independence." This point

³¹ *Senate Executive Document No. 68*, p. 74, 19th Cong. 1st Sess.

³² *Cong. Debates*, 1825-26, II, part 1, p. 206.

³³ *Proceedings of the International American Conference*, IV, p. 22; *Am. State Papers, For. Rel.*, V, p. 834. The President in his message to the House of Representatives goes into a fuller explanation of his views. Another important document on non-colonization is Mr. Adams letter to Mr. Anderson dated May 27, 1823.

President Adams further explained in his special message on the subject of the Panamá Mission March 15, 1826. "Should it be deemed advisable to contract any conventional engagement" on the topic of the Monroe Doctrine, President Adams assured Congress that "our views would extend no further than to a mutual pledge of the parties to the compact to maintain the principle in application to its own territory."³⁴ Secretary Clay, in accordance with the view stated by the President, made it clear in his instructions of May 8, 1826, to the American plenipotentiaries to Panamá that it was not intended to commit the parties, who might concur in any joint declaration against future colonization, "to support of the particular boundaries which may be claimed by any one of them; nor is it proposed to commit them to a joint resolution against any future attempt to plant a new European colony."³⁵

There was a large number of Congressmen who were by no means willing to yield to this interpretation of President Monroe's message. The report of the Senate Committee on Foreign Relations doubted the authority of the government of the United States to enter into negotiations with foreign nations on such a topic as non-colonization and pointed out that dangerous consequences might follow by arousing the suspicion of countries in the Old World which still held possessions in the new world. Senator White summarized his objection to the President's explanation of the non-colonization feature as follows:³⁶

If it be intended that we shall stipulate with the new States, that we shall use all our means to prevent any foreign power from planting a colony within the United States, and that they shall stipulate to use all their means to prevent a colony from being planted within their limits, I object to it for most obvious reasons. The United States . . . ought not to stipulate with any other Power as to the use which we will make, or permit others to make, of any portion of our territory.

³⁴ Richardson, James D., *Messages and Papers of the Presidents*, II, p. 355.

³⁵ *Proceedings of International American Conference*, IV, p. 137.

³⁶ *Cong. Debates*, 1825-26, II, part 1, p. 206.

President Bolívar, however, clearly agreed with President Adams in interpreting the Monroe message as a principle of national liberty. Articles VII and XIII of the instructions which Bolívar gave to the delegates of Perú, May 15, 1825, relate to the Monroe Message.³⁷ Article VII looks to a declaration on the part of the confederated South American states similar to that made by President Monroe; while Article XIII relates this conception to the declaration of Monroe. Alejandro Alvarez, prominent Chilean jurist and author of two works relating to the Monroe Doctrine, is of the opinion that the Hispanic-American states had more interest in proclaiming conjointly the Monroe Doctrine than had the United States.³⁸ The very fact that the Hispanic-American states did not sign a pact with the United States concerning the principles of the Monroe Doctrine implies that they conceived it to be purely continental in character.

Although Congress did not endorse the President's interpretation of the Monroe message, several who entered the debate on the subject indicated that they held the doctrine to have a regional incidence. Senator Dickerson in March, 1826, declared, "If these new Governments suppose we are to redeem" the Monroe assertion "any farther than to promote our own views in preventing change, as to the possession of the Islands of Cuba and Porto Rico, they deceive themselves."³⁹ Daniel Webster in his famous speech before the House, April 14, more

³⁷ "Article VII. You shall endeavor to obtain from the great Congress of the American States the issuing of a proclamation, setting forth the narrow views and designs of Spain, the immense harm which her Government has done to America, and the political course of action which America proposes to pursue in her relations with the powers of the world, namely, friendship to all, and strict neutrality. . . .

"Article XIII. You shall see that the proclamation which, under article 7 of these instructions, must be issued and published by the Great Congress of the Isthmus, contains such an energetic and efficient declaration as that made by the President of the United States of America in his message to Congress of last year in regard to the necessity for the European powers of abandoning all ideas of further colonization on this continent, and in opposition to the principle of intervention in our domestic affairs."

³⁸ Alvarez, *The Monroe Doctrine*, pp. 14-15. See also his work *Le Droit International Américain*, Paris.

³⁹ *Cong. Debates*, 1825-26, II, part 1, p. 297.

clearly emphasized the continental policy of the Monroe Doctrine:⁴⁰

It did not commit us, at all events, to take up arms on any indication of hostile feeling by the powers of Europe towards South America. . . . If an armament had been furnished by the allies to act against provinces the most remote from us, as Chile or Buenos Aires, the distance of the scene of action diminishing our apprehension of danger, and diminishing also our means of effectual interposition, might still have left us to content ourselves with remonstrance. But a very different case would have arisen, if any army, equipped and maintained by these powers, had been landed on the shores of the Gulf of Mexico, and commenced the war in our own immediate neighborhood.

Thus the Monroe message was essentially a policy for the United States. It was to be exercised chiefly for the interest of the state which had pronounced it. There were those in the debate on the Panamá Mission who went further, and declaring that the message was entirely a principle of self-defense. It was Senator Van Buren's belief that Monroe's assertion had set forth correct principles, "but left us at liberty to act, or not, in enforcing them, as our interest or our policy might at the moment require: a question to be decided like all similar questions, by determining whether, under the circumstances, it will best promote the honor and interest of the country to act or stand still."⁴¹ The instructions which Secretary Clay gave to the representatives of the United States indicate that the Monroe Doctrine was understood as a principle of national defense. The following statement which he made in reference to the general policy of the United States toward the republics was one frequently emphasized in the Congressional debates:⁴²

No intention has been entertained to change the present pacific and neutral policy of the United States. . . . From the first establishment of their present Constitution, their illustrious statesmen have inculcated the avoidance of foreign alliances as a leading

⁴⁰ *Ibid.*, part 2, pp. 2267-8.

⁴¹ *Ibid.*, part 1, p. 242.

⁴² *International American Conference*, IV, pp. 136-37.

maxim of their foreign policy. . . . There is less necessity for any such alliance at this juncture on the part of the United States, because no compact . . . could be more obligatory upon them than the irresistible motive of self-preservation, which would be instantly called into operation in the supposed contingency of a European attack upon the liberties of America.

Professor Shepherd considers the policy of national defense as the connecting idea and purpose of the Monroe Doctrine.⁴³ Certainly this was a point frequently made in the Congressional debates on the Panamá Mission. Opponents to the Mission saw in it an abrogation of our foreign policy of freedom from entangling alliances; while advocates of the Mission saw in the meeting at Panamá no compromise whatever of this "sacred policy." But as to the necessity of the policy both sides were agreed.

By far the largest number of debaters in Congress and expounders in the public press saw in the Monroe message nothing more than a presidential assertion of opinion which in no way bound the United States to action. For this reason, the message was not a pledge; it was not a doctrine; it did not bind the United States to action. The President had only stated his personal views. For fear President Adams might give the Hispanic-American states gathered at Panamá a wrong impression as to the status of Monroe's message, it was proposed to attach the McLane amendment to the appropriation bill.⁴⁴ This amendment, which was rejected, passed, and again rejected, stated that it was the opinion of the House that the ministers sent to Panamá should not be authorized to discuss, consider, or consult upon any stipulation "binding the United States, in any way or to any extent, to resist interference from abroad with the domestic concerns of the aforesaid Govern-

⁴³ Shepherd, W. R., "The Monroe Doctrine Reconsidered," *Political Science Quarterly*, XXXIX, 35-66.

⁴⁴ *Supra*, pp. 58-59.

ments, or any measure which shall commit the present or future neutral rights or duties of these United States."⁴⁵

Senator Hayne, the first speaker in the Senate to dwell at length upon the objects and import of the Panamá Mission, clearly enunciated the idea that the Monroe message was nothing more than a presidential asseveration. It is significant that most of the other speakers both for and against the Mission followed the general lines of his reasoning. Concerning this point he said:⁴⁶

Now I do positively deny that Mr. Monroe ever pledged this nation to go to war or make treaties to prevent the interference of any European nation in the present contest. I deny that he had a right to make any such pledge; and most of all do I deny that any sanction has been given to such an idea by the Senate, the House of Representatives, by the States, or by the People of the United States. The language of Mr. Monroe is extremely vague and indefinite. That great and good man well knew that he had no power to use any but a moral force on that question; and beyond this moral influence over the councils of the nations of Europe, he neither attempted nor desired to go. He well knew—every intelligent man in the United States knows—that this nation is not now, and never has been, prepared to go to war for the independence of South America.

⁴⁵ *House of Representatives Resolution*, No. 36. 19th Cong. 1st Sess. The House also considered a resolution submitted by Mr. Thompson, of Ohio, which had for its object the correction of the "erronious impression" made by the Monroe message:

"The settled policy of this Government has been, since seventeen hundred and ninety-three, to form no political relations or entangling alliances, with any foreign nations. But, since the famous declaration in the President's Message, of eighteen hundred and twenty-three, there appears to be a manifest deviation or disposition to deviate by the Executive Department of the Government, from that well known maxim of policy. To check such assumption, and all assumption, it is fit and proper that the Legislative branch of the Government should frequently recur to first principles, and express their opinion, as a check and directory to the Executive branch.

"*Therefore, Resolved*, That it be the opinion of this House that the policy recognized in President Washington's Proclamation, of seventeen hundred and ninety-three, repeated and enforced by his Farewell Address, relative to our foreign affairs, has been, is now, and ought to be in time to come, the settled policy of the Government.

"Resolved, That every declaration of policy belong exclusively to the Legislative branch of the Government, and not to the Executive." *House of Representatives Resolution*, No. 41. 19th Cong. 1st sess.

⁴⁶ *Cong. Debates*, 1825-26, II, part 1, pp. 261-62.

. . . Beyond the indulgence of a sincere and friendly sympathy, we have never been willing to proceed. Mr. Monroe's declaration, I repeat, was intended to produce a moral effect abroad; he designed it for the atmosphere of Europe, and therefore it was couched in such terms that, while it did not commit us to any overt acts, it left foreign nations under a vague impression of what we might do, if the event alluded to should ever happen. . . . It is obvious that we are left by this pledge altogether free to act in any emergency according to the circumstances and a sense of our own interests.

Later in the debate he said that "the true Constitutional ground" of the question is "that the President has no right to pledge this nation." He explained further that this was the first occasion that had presented itself for Congress to act upon the Monroe message. Confirmation of the presidential nominees would be tantamount to an endorsement of the Monroe declaration, for the executive department had led the Hispanic-American countries to believe that the United States had actually given them a pledge. Senator J. S. Johnston, in reply to this argument, maintained that the present administration had given the South American countries no such intimation, citing as proof the fact that Mexico refused to place the United States on the most favorable footing commercially; this too after Mr. Poinsett had used the argument of the Monroe declaration. "The argument of Mr. Poinsett failed," pointed out the senator, "because there was no other pledge than the President's pledge of 1823. If any separate, specific, positive pledge of protection had been given, who doubts that they would have placed us on the footing with the most favored?"⁴⁷

The House of Representatives in alarm over Mr. Poinsett's reference to the Monroe message considered a resolution instructing the Committee on Foreign Relations⁴⁸

⁴⁷ *Ibid.*, p. 226.

⁴⁸ *Ibid.*, II, part 2, p. 1765. For the debates on this resolution and the interpretations of the "so-called pledge" see pp. 1765-1768; 1798-1820. In the course of the debate Mr. Mallory said that "the reference of our minister seemed to him to be no other pledge than that which may be understood as given in Mr. Monroe's message. Yet, when that message was closely examined, it would be found to contain no express pledge as to what this Government would do in the case supposed." Mr. F. Johnson, of Kentucky, said that "the declaration, or pledge, as some have called it, was not made to the Southern Republics; it was not made to France, or to England, or to the Allied Powers; it was no pledge to any one; it was a declaration, founded upon considerations of the defence of our own institutions."

to inquire and report . . . upon what authority, if any, the minister of the United States to the Mexican republic, in his official character, declared to the plenipotentiary of that government that "the United States have pledged themselves not to permit any other power (than Spain) to interfere with either their (the South American Republics') independence, or form of government;" and that, in the event of such an attempt being made by the powers of Europe, we (the United States) would be compelled to take the most efficient and active part, and to bear the brunt of the contest!

The House did pass an amendment to this resolution asking for the correspondence between Mr. Poinsett and Secretary Clay and demanding to know if any pledge had been given to the South American States. This resolution utterly ignored the fact of the Monroe message. Secretary Clay in reply to the resolution stated that "the United States have contracted no engagement nor made any pledge to the governments of Mexico and South America."⁴⁹ But he added, "it will be seen that the message of the late president of the United States, of the 2d December, 1823, is adverted to in the extracts now furnished from the instructions to Mr. Poinsett, and that he is directed to impress its principles upon the government of the United Mexican States. All apprehensions of the danger to which Mr. Monroe alludes . . . have ceased." If an attempt had been made by the allied powers of Europe to subvert the liberties of the southern nations, Mr. Clay stated that "the people of the United States would have stood pledged, in the opinion of their executive, not to any foreign state, but to themselves and their posterity." "It is to a pledge of this sort," the Secretary assured the House, "that Mr. Poinsett alone refers."

Many newspapers expressed relief at this explanation of the pledge to which Mr. Poinsett had referred. Edward J. Hale, editor of the *Carolina Observer*, said:⁵⁰

We are highly gratified to find, as we do from the report of Mr. Clay, that the construction which would instantly be placed upon the language of Mr. P. is erroneous. . . . We like to see the prompt

⁴⁹ *Niles' Register*, XXX, 92.

⁵⁰ *Carolina Observer*, April 5, 1826.

disavowal of an intention to pledge the country in a manner tantamount to a conditional declaration of war. The Executive has not yet added this to its usurpation of power. . . . We are astonished how any man who has the good of his country at heart, can desire to see her *pledged* to fight any battles but her own, or willing to accept the assistance of any other power to extricate her from her own quarrels.

Senator White was of the opinion that the Monroe message, "a general declaration of his own Congress of the sentiment which would be felt by the United States if any neutral should interfere on the side of Spain," was only a pledge of the Monroe administration and should rest there. "The Executive has no power to bind the United States by any *pledge* he could give," he stated. "Nothing can bind, but a declaration made in the proper form, and by the proper department of this Government."⁵¹ Senator John Holmes of Maine would go a step further, declaring that the Monroe assertion was never intended by Monroe himself to be a pledge and was not even binding on that President's administration:⁵²

The President had no authority, by his own act alone, to pledge the United States to any foreign Power. He did not intend to do so. It was a mere declaration of the policy, which, under given circumstances, he believed it proper for the United States to pursue. It did not bind him. It did not bind Congress. They declined to respond to it. No foreign Power could demand the enforcement of it, because no foreign Power was party to it. If, when the crisis arrived, the President and Congress, for the time being, should take the same view of the policy of the United States, the principle of this declaration would be acted upon. If otherwise, it would be abandoned. The notion of a pledge is visionary.

It seems evident, therefore, that the Monroe message two years after it was announced was not considered a permanent policy of the United States. President Adams would speak of it as a principle, but Congress was by no means willing to yield the point. Yet President Adams had made the principle some-

⁵¹ *Cong. Debates*, II, part 1, p. 200.

⁵² *Ibid.*, p. 268.

thing entirely different from the message. This is a point which Colonel Benton thought significant. After quoting the words of the President on the non-colonization feature, Mr. Benton says in his *Thirty Years' View*.⁵³

These were the words of Mr. Adams, who had been a member of Mr. Monroe's cabinet, and filling the department from which the doctrine would emanate; written at a time when the enunciation of it was still fresh, and when he himself, in a communication to the American Senate, was laying it down for the adoption of all the American nations in a general congress of their deputies. The circumstances of the communication render it incredible that Mr. Adams could be deceived in his understanding; and, according to him, this "Monroe doctrine" (according to which it has been of late believed that the United States were to stand guard over the two Americas, and repulse all intrusive colonists from their shores), was entirely confined to our own borders: that it was only proposed to get the other states of the New World to agree that, each for itself, and by its own means, should guard its own territories: and consequently, that the United States, so far from extending gratuitous protection to the territories of other states, would neither give, nor receive, aid in any such enterprise, but that each should use its own means, within its own borders, for its own exemption from European colonial intrusion.

Hispanic-American writers on the subject usually go farther than Colonel Benton in criticising the President's interpretation of the Monroe message. Martín García Mérou, a minister plenipotentiary of the Argentine Republic, has called Mr. Adams' message to Congress a "repudiation of the Monroe Doctrine on the part of its initiator."⁵⁴ Carlos Pereyra, Mexican author and professor, is more vehement. He speaks of the whole procedure of the United States in regard to the Panamá Congress as *un grotesco anacronismo* of the Monroe message. He holds that President Adams, in his message to Congress, read the Monroe Doctrine out of existence.⁵⁵

⁵³ *Thirty Years' View*, I, p. 67.

⁵⁴ García Mérou, Martín, *Historia de la diplomacia americana*, Felix Lajouane Y Ca. Editores, Buenos Aires, pp. 340-1.

⁵⁵ Pereyra says: "Resulta de todo lo anterior que el presidente Adams no podía ser más egoísta, más pacífico ni más conservador en sus exhortaciones. No sólo mataba la doctrina de Monroe en lo que pudo haber tenido de oportuna dos años

To Congress the Monroe message was a "protest," a "memorable declaration," a "sentiment," a "declaration of opinion," an "assertion." Above all, it was a presidential statement not binding upon the government. The message had moral weight at the time it was enunciated, but as for the exercise of the principle in the future, that was a matter which would concern the interests of the United States at the moment.

antes, sino que parecía esmerarse en decir á los pueblos de América que toda su retórica de entonces había sido falsa y engañosa. . . . Brillante oportunidad para que esa moneda falsa de Monroe hubiese sido arrojada al montón de las escorias. Pero estaba destinada á seguir circulando, y circula todavía. ¡Imperiosa, tiránica fuerza de la credulidad humana!" *El mito de Monróe*, Madrid, pp. 114-115.

IV. INSTITUTIONAL HISTORY OF THE *INTENDENCIA*

BY WILLIAM WHATLEY PIERSON, JR.

It is the purpose of the writer to submit several studies on the institutional history of the *intendencia* of the Spanish empire. This subject, so far as the author is aware, has never received monographic treatment, in the English language. It is, however, of interest and importance—because its history is an example of the transplantation by the Bourbon dynasty of an administrative system from France to Spain and thence to the New World, because the establishment of the *intendencia* was one of the reform efforts made during the eighteenth century, and as such it was one of the most significant developments of the later Spanish empire and illustrates some of the merits and deficiencies of the innovations and experiments made within that period. As the intendency, in Spanish imperial practice, showed striking differences—functional and territorial—that amounted, it is believed, to regional differentiation, a series of studies rather than a generalized survey has been planned. The first of these efforts is entitled “The Establishment and Early Functioning of the *Intendencia* of Cuba.”¹

INTRODUCTION

I. Professor Allen Johnson began his dissertation on the *Intendant under Louis XIV*, published in 1899, by stating that “There is no more persistent error among historians than that which ascribes to Cardinal Richelieu the creation of the insti-

¹ The illustrative and documentary materials used in this paper relate, in the main, to the period 1764 to 1825. The intendency of Cuba falls roughly into two periods—that from 1764 to 1812, during which time there was one intendant for the whole island, and that from 1812 to 1853, when there was a superintendant with residence at Havana and two subordinate intendants located respectively at Santiago de Cuba and Puerto Principe. In 1853, the captain-general was invested with the powers of superintendant. The two subordinate intendancies remained. The writer was enabled to have certain documents, relative to the intendency, copied in the Spanish archives at Sevilla and Simancas by grant from the Smith Fund generously made by authorities of the University of North Carolina.

tution of intendants."² Earlier the historian Caillet, in 1857, and Gabriel Hanotaux, in 1884, had demonstrated convincingly that the establishment and employment of this institution antedated by many years the ministry of Richelieu. Hanotaux, with his studies supported by ample documentary evidence, showed that the *intendants des provinces*, successors of the *intendants de justice*, were in existence in 1555; that their powers and duties increased in time little by little *pari passu* with the increase of royal power; that in the person of Bellèvre, as early as 1594, and forty years before the alleged decree of Cardinal Richelieu, an intendant combined the powers and attributes of *justice, police et finances*, that Richelieu made no innovations in principle and that he had no great, but only slight and temporary influence on the development of the institution.³ These conclusions would seem entirely justified. As to the ultimate origin, there is room for greater doubt, and the theories are numerous—such as those which derive the intendants from the *quæstors* of Rome, the *missi dominici* of Charlemagne, the *enquêteurs royaux* of Saint Louis, and the *maîtres des requêtes* of a later day. With these inquiries, we are not here concerned; but rather with the fact that in the reign of Louis XIV the system of intendants obtained as a flourishing instrumentality of royal despotism and national power. However striking an institutional feature of the Age of Louis XIV the intendancy may have been, the system appears not to have been uniform throughout France, for according to his commission the intendant's duties and attributes were variable. Used on occasion, for special missions, with

² A. Johnson, *The Intendant as a Political Agent under Louis XIV*, p. 7.

³ J. Caillet, *De l'Administration en France sous le ministère du Cardinal Richelieu*; G. Hanotaux, *Origines de l'institution des intendants de provinces d'après les documents inédits*. Cf. P. Ardacher, *Les Intendants de province sous Louis XIV* (1904); Ch. Godard, *Les Pouvoirs des intendants sous Louis XIV* (1901); P. Dubuc, *L'Intendance de Soissons sous Louis XIV, 1643-1715* (1902); A. Loiseau, *Revue du service de l'intendance militaire* (1912); M. Martin, *L'Intendance militaire des troupes coloniales ses origines, son passé et son organisation présente* (1911.)

one or more or all of the attributes, the intendants often found the tenure of their office limited.⁴

II. The introduction of the institution of intendants in Spain has always been associated with the accession of the Bourbon dynasty. At the close of the rule of the Austrian House, with the reign of Charles II (1665-1700), the country was in distressing state. As drawn by many Spanish historians, the picture of Spain in the 17th century shows the state and government in decadence, with the old impulse of leadership misdirected or dead, and the national purposes frustrated. Despite all of this decline and weakness, the rulers futilely continued the gesture of a great power by constant participation in wars, which far from being advantageous completed the ruin. Thus Spain, on the death of Charles II—to use the words of José de Gálvez—"was little less cadaverous than its defunct master."⁵ Without an army, without treasury, with disordered administration, with respect for authority gone, without prestige,—in fine with its power broken, Spain lay before Europe, weak and ex-animate, awaiting partition as another Poland of another day. Into this crisis—political, moral, economic, cultural—came the accession of Philip V and the Bourbons, a fact little short of the interposition of Providence as many Spanish writers have been prone to view it. With a different

⁴ Hanotaux, *op. cit.*, p. 55. He defines an intendant in the following language: "Il est entendu que, quand nous parlons d'un intendant, nous voulons dire, par définition: un magistrat que le pouvoir central a chargé, en vertu d'une commission, de faire sentir loin de la cour l'action de la puissance royale, et que, parmi ses titres officiels, peut citer celui d'intendant ou sur-intendant de la justice ou d'intendant de la justice et police ou d'intendant de la justice, police et finances." (p. 9.)

⁵ *Informe y Plan de Intendencias que conviene establecer en las Provincias de este Reyno de Nueva España*, Archivo General de Indias (hereinafter cited as A. G. de I.), at Sevilla, 146-6-14, by which symbol is meant Estante 146, Cajón 6, Legajo 14. The document mentioned is dated January 15, 1768. To the arguments by Gálvez and Viceroy Croix for the intendency were added, in communications of the same month and year, those of the Archbishop of Mexico and the Bishop of Puebla. The picture of Spain in the seventeenth century may be derived from any history of the country. It is briefly depicted in M. Danvila y Collado, *El poder civil en España*, vol. III, pp. 252-256, 365-366; M. Colmeiro, *Historia de la economía política en España*, II, 178-183, 198-213, 332-355. Cf. R. Altamira y Crevea, *Historia de España y de la civilización española*, vol. IV, pt. III; A. Cánovas, *Estudios del reinado de Felipe IV* (1888-1889); M. Pedregal, *Estudios sobre el engrandecimiento y la decadencia de España* (1878).

line of kings, Spain experienced a new exposure to European civilization. Through open doors, from France, partly by suggestion and partly by solicitation, came influences and pressures that led to a reorganization of institutions and administration, and there was experienced also stimulation that induced recovery from mental torpidity. A basis was laid on which a slow and painful progress was made toward regeneration. Yet Spain was not Gallicized, and as Carlos Pereyra rightly claimed, when writing of the administrative changes which the Spanish government underwent,

Constituted as a monarchy of the paternal, absolute type, it was transformed during the first years of the eighteenth century into a beaurocratic centralism by the action of the kings of the Bourbon House and, above all, by the systematic efforts of the Italian, French, and Spanish politicians, who imitated the state of Louis XIV; notwithstanding this fact, it preserved the fundamental elements of its traditional organization, in which predominate the system of checks and balances, limitations and responsibilities, which assure the respect for individualism which is characteristic of the race. The machine is, perhaps, top-heavy, but so solid that not even a whole century of agitations destroys it.⁶

At the beginning of the eighteenth century, the Spanish treasury presented a set of baffling problems, which arose from long-tolerated abuses and little income. Despite the increased needs to meet the exigencies of the forthcoming wars, there were deficits, such as in 1701, when according to Altamira the income was 142,340,740 *reales* and the expenditures 247,366,267.⁷ Faced thus with the actuality of bankruptcy, there were various suggestions of ways and means of escape, among them that of Cardinal Portocarrero to the effect that Louis XIV should be asked to send someone of recognized ability who might by instituting reforms be able to correct the abuses and reorganize the administration of finances.⁸ Such was the

⁶ Carlos Pereyra, *Historia de la América española*, Tomo II, *El imperio español* (1924), p. 292.

⁷ Altamira, *Historia de España*, IV, 170.

⁸ Danvila, *El poder civil en España*, III, 506.

occasion for the sending of Orry, economic expert and trained administrator, who was to be for many years a minister in the cabinet of the Spanish king. On him and his assistants rests the chief responsibility for the introduction of the *intendencia* and for the execution of other economic reforms. These changes he was able to effect or to initiate despite defects of manner and personality, such as stubbornness, irascibility, and that lack of diplomacy which all too frankly led him to seek to recast Spain, at least in economic administration, in the image of France.⁹ Associated with Orry was another Frenchman, Amelot, who sought to overcome the Spanish opposition and jealousy to the introduction of French ideas of administration. More tactful and modest, he has been regarded by some as having had an even greater success and a profounder influence than Orry.¹⁰ Both were mercantilists of the Colbert school; and, therefore, proponents of a highly regulative system. Their theory and practice, if viewed today as mistaken, are to be explained as reflections of the thought and errors of their age.

The office of *intendente* appears to have been conferred by title, as in the case of José Patiño, who was one of the associates of Orry and one of the great Spanish administrators, before the decree of 1718 was issued which established the system.¹¹ In the form of *intendentes de ejército* or *marina* several men were appointed to the office, some as early as 1711. The decree of 1718 was not generally nor resolutely executed, and it was not until the reign of Ferdinand VI, in 1749, that, with a new *instrucción*, the system was effectively operated. In the meantime, many men thought and wrote about what was needed in Spain. *Memorias*, *representaciones*, and works on the theory and practice of commerce, agriculture, tariff reform, manufacturing, written by such men as Macanaz, Ulloa, Patiño, Ustáriz, Goyeneche, and Campillo served to indoctrinate the

⁹ Altamira, *op. cit.*, 170. Cf. F. Rousseau, *Un Reformateur français en Espagne au XVIIIe Siècle*.

¹⁰ Altamira, IV, 170-171.

¹¹ A. Rodríguez Villa, *Patiño y Campillo*. (This volume was consulted through the courtesy of the Harvard University library).

mind, public and private, with the idea of innovation.¹² The administrative services and experiments of Patiño, Campillo, Ensenada and others demonstrated the practicability in large or small degree of some of these ideas. While these projects and efforts were not without fantastic implications—as might be said of the contemporaneous philosophical movement in France—it can be safely stated that the fiscal policies of Spain were destined to experience an introspective examination and that, in time, the institution of intendants—as one of the recurring suggestions of improvement—came to be regarded by reformers, at least, as a verifiable step in progress. Thus in 1768 José de Gálvez could urge in advocacy of the establishment of intendants in the New World,

The glorious prince [Philip V] whom God destined to sustain and restore the vast empires subject to the Spanish sceptre, even in the midst of cruel wars that befel him, took the most active and opportune measures to re-establish his dominions and the happiness which his vassals had lost during the three reigns previous.

One of the means, whose efficacy and utility time and experience have accredited, was the creation of *intendencias* in the peninsula of Spain, under the wise regulations that were gathered in the *Instrucción* published in the year 1718 and were later amplified in that of 1749.¹³

ESTABLISHMENT OF THE INTENDENCIA IN CUBA

The system of intendants was not extended to the colonies until the reign of Charles III (1759-1788), and then only after long delay, repeated considerations of plans, and much backing and filling, was it tardily put in practice. The proposal of such extension, however, had been made earlier in the century. In the notable book, *Nuevo Sistema de Gobierno Económico para la América*, thought to have been written in

¹² Miguel de Macanaz, *Representación á Felipe V en 1705*; José Patiño, *Memoria . . .* (1720); Francisco Javier de Goyeneche, *Comercio de Holanda* (1717); Jerónimo de Ustáriz, *Teoría y práctica de comercio y de marina para su pronta restauración* (1724); José del Campillo y Cosío, *Lo que hay de mas y de menos en España* (1740); Bernardo Ulloa, *Restablecimiento de las Fábricas y Comercio español* (1740).

¹³ A. G. de I., Audiencia de Santo Domingo, 146-6-14.

1743 by José del Campillo y Cosío, there was outlined and enthusiastically defended a fairly comprehensive scheme of colonial reform. Although left in manuscript form and not printed until 1789, Campillo's work is supposed to have been known to Spanish ministers and officials. The reforms, which were to follow a series of investigations of colonial conditions by *visitadores generales* that might alter the programme in details, were to include radical changes in taxation and trade policies, the establishment of maritime mail and interior postal services, and the creation of a set of colonial *intendencias*. To Campillo, the great justification of the colonial intendants was the opportunity, afforded by their creation, of doing something for the Indians—by the redistribution of the lands for cultivation, by the education of the Indians in agriculture and the arts, by providing the means for the perfection and exportation of the fruits of the country. He urged the appointment of good men, the endowment of the office of intendant, in the laws of establishment, with ample and independent authority, and the adoption by the home government of policies which carried the certainty of prompt and sufficient support for these newly created officials. Much the same as to ideas and, to a remarkable and intriguing extent, identical through many pages in phraseology was the book ascribed to Bernardo Ward, the *Proyecto Económico*. It was written later, though printed earlier (1779), than the *Nuevo Sistema*. These and certain other works led Professor Priestley to comment with reference to the evolution of Spanish administrative and economic reform in the eighteenth century as follows: "No more concrete evidence is needed, if any were lacking, to show that the reign of Charles III only brought to fruition as best it might those economic ideas which had their beginning with the advent of the Bourbon House upon the Spanish throne."¹⁴

¹⁴ H. I. Priestley, *José de Gálvez, Visitor-General of New Spain, (1765-1771)*, p. 37. In footnote (pp. 36-37), Professor Priestley makes an illuminating comment on the textual similarity of the works of Campillo and Ward. The full title of Ward's work is *Proyecto económico en que se proponen varias providencias dirigidas á promover los intereses de España*.

Investigations, committee reports, comparative studies of the systems and practice of other imperial powers, and the disasters of the Seven Years' War brought insistently, in one phase or another, the subject of colonial reform to the attention of such men as Campomanes, Aranda, Jovellanos, Arriaga, Esquilache, Gálvez, and Grimaldi. It is probable, also, that much influence was exerted on this course of evolution, by the French minister of state, Choiseul, through his agent in Spain, the Abbé Béliardi, who appears to have supplied suggestions as to content not only, but in part at least provided the impulse to act.¹⁵ At any rate, the way was cleared for this experiment with the colonial intendency.

In 1762 the British, as an operation of the war, captured Havana and thenceforward for more than ten months occupied the city. This period was one of intense activity in shipping and commerce, with more than 700 merchant vessels entering the harbor. By some this experience of the city is regarded as having been an object lesson to the Spanish government, making it sensitively conscious of the commercial and political value of the island. To this consciousness was added, also, the realization of the strategic significance of Cuba. Spain took pains and made great sacrifices when peace came to recover the island. With possession regained, there was an opportunity for a general house-cleaning, the prosecution of investigations, and the introduction of reforms. With a new governor in the person of the Conde de Ricla (1763-1765) and a *visitador* in General O'Reilly, Spanish rule was restored, fortifications and forts were begun, the military establishment was strengthened in numbers and discipline, new taxes instituted, public works started, and investigations made. For once, at least, in Spanish administration, developments occurred rapidly. The *visita* was hurriedly accomplished and O'Reilly made his reports,—and

¹⁵ For the influence of Choiseul, consult Priestley, *op. cit.*, pp. 37-40. He cites P. Muret, "Le Papiers de l'Abbé Béliardi et les relations commerciales de la France et de l'Espagne au milieu du XVIIIe siècle" (*Revue d'Histoire Moderne et Contemporaine*, IV, 657-669). For the reaction of Spanish and Cuban people to the taxation plan proposed by Choiseul, see Guiteras, P. J., *Historia de la Isla de Cuba con notas e ilustraciones* (2 vols. 1866), p. 103 ff.

gloomy ones they were too.¹⁶ Other reports were submitted by Gelabert and Rapun—afterwards in the service of the *intendencia*—on revenue conditions and needs. An important modification in trade and official policy was made effective in the provision for a line of mail boats (*navíos de avisos*) to ply between Coruña, Spain, and Havana. On October 31, 1764, was signed the *Instrucción* providing for the establishment of an *intendencia* at Havana for the island of Cuba.¹⁷

The law of the intendancy would appear to have been the work of Julián de Arriaga, secretary of *Marina y Indias* (1754-1776), who signed the instructions given to the first intendant, Miguel de Altarriba.¹⁸ It should be stated, however, that Governor Ricla ascribed the credit for it to Esquilache, when he wrote that the secretary of *Hacienda* had "perfected the thoughts and chosen the means."¹⁹ At about the same time that the regulations for the *intendencia* were signed (October

¹⁶ O'Reilly to Squilace, December 8, 1763 and O'Reilly to Arriaga, April 1, 1764. Both of these documents were read at Simancas (Archivo General de Simancas, hereinafter cited as A. G. de S.) in Secretaría de Hacienda, Leg. 2342. General O'Reilly's criticisms may be summarized as follows: dearth of funds, robbery of the treasury, extravagance in the financing of the military establishment—one regiment in Cuba costing more than three in Spain,—the laws of the Indies were bad in themselves and worse in administration, need of good men for office and longer terms of service. In the second report, after announcing the formation of four battalions of troops, he stated that he had investigated population, cattle raising, agriculture, industries and commerce. Despite fertility, good ports, fine climate, rich products, and good geographic position, the island was not self-supporting and the public funds did not provide for the necessities of troops, the fortifications, ships, and administration. He exposed certain evils—the lack of means and of courts for the administration of justice, the scarcity and costliness of negroes, the lack of shipping facilities for the export of surplus products, the prevalence of smuggling. He thought there should be freer trade with Spain, establishment of a court at Havana, the relaxation of immigration laws so as to admit certain classes of foreigners to residence.

¹⁷ The *reglamento* for the mail boats was signed August 24, 1764. Cf. M. Lobo, *Historia general de las antiguas colonias hispano-americanas*, I, 234. Consult article "Correos" in J. de la Pezuela, *Diccionario geográfico, estadístico, histórico de la Isla de Cuba* (4 vols., 1863-1866).

¹⁸ Consult José María Zamora y Coronado, *Biblioteca de legislación ultramarina* (1844-1846), III, 597-606. This work contains, with this reference, the instruction to the intendant. The *Instrucción* may be found, A. G. de I., Audiencia de Santo Domingo, 81-6-12. In L. E. Fisher, *Viceregal Administration in the Spanish-American Colonies* (Univ. of Calif. Pubs. in History, Vol. 15), p. 40, the date of the establishment of the Cuban intendancy is given as 1768; in G. Desdivises du Dezert, *L'Espagne de l'ancien régime—II—Les Institutions* it is given as 1791.

¹⁹ Ricla to Squilace, March 7, 1765, A. G. de S., Secretaría de Hacienda, Leg. 2343.

31, 1764) the *instrucción reservada* (dated March 14, 1765) was prepared for the "visitation" of José de Gálvez to the viceroyalty of New Spain. Many of the articles of the two instructions, particularly those with reference to fiscal matters, are "practically identical in phraseology."²⁰ Among his powers as *visitador*, Gálvez was granted those of *intendente de ejército*. At about the same time, also, the *junta* or committee appointed to consider the evils suffered by colonial commerce and to suggest remedies made their report (February 14, 1765), outlining some eight charges against the existing trade system and offering a series of remedial suggestions which forecasted some of the reforms later initiated by Charles III and his minister of the Indies, Gálvez. It may be granted, in view of these considerations, that the intendancy established at Havana was a part of a comprehensive programme of reform as well as being a specially conceived device to apply to what were regarded as the needs and conditions of Cuba.²¹

THE FUNCTIONS AND ORGANIZATION OF THE CUBAN INTENDANCY

As the law governing the organization and functioning of the Cuban intendancy is appended in translated form, only a brief analysis of the document will be attempted here. (See pp. 113-133). Further, it will be the object of this section of the paper to set forth certain changes made in the structure of the institution and to analyze certain rules and practices that had reference to the relations of the *intendencia*—internal and external.

The project called for an intendant who was to have jurisdiction of two departments—treasury (*hacienda*) and war (*guerra*)—with that over the former practically complete and exclusive and that over the latter limited to matters of finance. It was declared that the Cuban intendancy was to be after the law and manner of the *intendente de ejército* of Castile, but provision was included for modifications to make the system

²⁰ Priestley, *op. cit.*, (footnote) p. 20.

²¹ *Ibid.*, pp. 25-37. Cf. Preamble of the *Instrucción*.

locally adaptable.²² At the outset, the student of the Spanish intendancy would observe an important difference in jurisdiction, for at that time the intendant in Castile, under the law of 1749, had control of the departments of police and local justice as well as those of treasury and war. In this particular, however, the difference was soon to be abolished, since by royal *cédula* of November 13, 1766, there was decreed "the separation of the *corregimientos* from the *intendencias* through all the kingdom, in order to avoid embarrassments and confusion in the administration of justice."²³

The intendant was to be the head of what was in design and structure an elaborately organized bureau of government. An idea of this bureau might be derived from the following classification: I. The Central Administration: 1. The intendant,—chief of the *real hacienda*—resident in Havana, with jurisdiction of the whole island; 2. The *Secretaría*, with the secretary and clerical staff; 3. The *Contaduría General*, the important department of records, accounting or auditing, made up of a number of *contadores* of several ranks, assisted by several subordinates; 4. The *Tesorería General* or the treasurer general and assistants, concerned with the safeguarding of funds; 5. The *Administradores Generales* or the collectors of the customs and taxes, with general supervision of this work; 6. The *Juzgado* or the department of judicature of the *intendencia*, there being

²² "... siendo forzoso variar en algunos puntos las reglas que aquí se observan por no ser adaptables al Sistema, y gobierno de aquella Isla se arreglará el Intendente. . . ." The preamble of the *Instrucción*.

²³ Danvila, *El poder civil en España*, IV, pp. 50-51. He states that the law of November 13th granted "á los corregidores las facultades de justicia y policía que las leyes les concedían, y que se entendiesen con ellos las que la ordenanza de intendentes de 13 de octubre de 1749 prescribía en aquellos dos ramos, con sujeción á los tribunales superiores territoriales y al consejo respectivamente, según la distinción de casos; y declarando, que los intendentes se circunscribiesen y cifieran á los ramos de Hacienda y Guerra, con las facultades y subordinación respectiva; en lo contencioso á los tribunales superiores respectivos, y en lo gubernativo á la vía reservada, para que de ésta suerte cesase toda confusión y desorden en el gobierno." Consult *Leyes XXV-XXVI*, Tit. XI, Lib. VII, *Novísima Recopilación*. It appears, however, that union or separation of the *intendencia* and the *corregimiento* was a matter of choice by the king. According to J. Canga Argüelles (*Diccionario de hacienda para el uso de los encargados de la suprema dirección de ella*, vol. III, p. 419), there were, in 1817, out of twenty-eight intendancies in Spain, six with the union.

concerned in it the court of the intendant, with the intendant and his legal advisor (*asesor*), the *fiscal* of the *real hacienda*, the *Tribunal de Cuentas*, and the Court of Appeals (*Junta de Apelaciones*); 7. The military department made up chiefly of *comisarios de guerra* or inspectors, warehouse keepers, guards, and special agents. II. Local Administration: 1. The *subdelegados* or heads of districts (*partidos*); 2. The local *contador*; 3. The local treasurer; 4. The local collectors of the revenues (*rentas*). In addition, there was a customs guard or patrol, land and maritime; and, on occasion, the intendant might call upon the military and naval forces for assistance. All of these officials were associated with the *real hacienda* and as such were endowed with the privileges of *fuero*, that is, they were, in the performance of their official duties, exempt from the interposition of the ordinary tribunals and subject the administrative law jurisdiction of the *intendencia*.²⁴

The intendant was invested with certain powers of appointment and dismissal or, more precisely stated, with those of nomination and suspension. The associated officials or ministers, it is to be understood, were not placed arbitrarily at his

²⁴ Cf. Art. 106, *Ordenanza General* (Zamora, Vol. III, p. 467); *Real Orden*, August 2, 1819 (*Ibid.*, 476-477); *Real Orden*, Feb. 16, 1766 (*Ibid.*, 478-479); *Real Orden*, July 10, 1832 (*Ibid.*, 479-480). As to the enjoyment of the rights of *fuero*, there were many contests, some of them being frivolous—as one might think today—since they referred to questions of ceremonial precedence; but some were of a more important nature and represented conflicts over administrative independence, as that which was brought to the attention of the Spanish government in 1813 when the intendant on behalf of the auditing department of the army (*contaduría de ejército*) asked the same rights for it as those possessed by the same services of the navy and treasury. These rights, it was alleged, had been invaded by the ordinary tribunals. In the same plight, it was further affirmed, was the *secretaría*. It was contended that the intendant and his staff had their attention distracted from the delicate and difficult tasks committed to their care.

On pretext that the Constitution of 1812, in Articles 18 and 250, had invalidated the grants of *fuero* to the civil or political services associated with the army and had generally destroyed administrative-law jurisdictions, subjecting them to the ordinary tribunals. On the other hand, the intendant claimed that Articles 86 and 87 of the *ordenanza* for intendants of New Spain, which were by the Constitution made operative in Cuba, laid down rules for this type of *fuero*. He asks for resolution of the contest which would "cut to the root" the pretensions of the ordinary tribunals. Aguilar to Góngara, No. 819, May 22, 1813, A. G. de I., P. de Ultramar, Leg. 177.

For statement of the powers and functions of the *asesor*, *fiscal*, and the *Tribunal de Cuentas*, consult L. García y Gragitena, *Guía del empleado de Hacienda de la isla de Cuba* (1860), the citations being respectively to pp. 43-44; 45-46; 53-59.

mercy; but, on the contrary, they were, with the traditional Spanish addiction to the theory and practice of the check-and-balance system of administration, fairly certain of tenure.²⁵ The intendant was obligated to consult the heads of department, his ministers, and to hold weekly at his house or office a *junta* or conference, at which were to be present the *contador general*, the treasurer general, and the *administradores generales*. This conference was to consider seven specified items, at least. These included ways and means of increasing the revenues, prevention of fraud, improvement of the service, observance of the laws, examination of unpaid accounts if there were any, reduction or increase of the administrative personnel, and fulfillment by the farmers of the customs of their obligations. He was supposed to consult with this body in times of crisis and on occasions when he proposed to adopt extraordinary or extra-legal measures to meet the exigencies of such periods. Some of these officials had the legal right—and most of them seem to have exercised the privilege—of independent communication with the home government.²⁶

Of the intendants much was expected and demanded. Their duties were listed in the law of establishment not only, but they were from time to time increased by subsequent orders and instructions. In addition to the obligations thus specified, the intendant was expected to do what he could for the benefit of the royal interests and service. A conception of the *intendencia* as an ideal may be derived from the royal order of March 26, 1800, which while officially directed to the intendants of Spain, was printed by Zamora y Coronado with the caption "General Functions, common to all *intendentes de hacienda de Ultramar*" as a "guide of direction."²⁷ We might with profit take a sort of cross-section of laws, treatises, and practice in order to

²⁵ Despite the statement in the text, which is believed to be true in fact, there was a royal order of May 12, 1777 informing the intendant that he was the rightful superior of the *real hacienda* and its officers, including *contadores*, treasurers, and administrators, and that he had the lawful right to command them. Cf. Zamora, *Biblioteca*, III, 610-617.

²⁶ Cf. *Infra*, the sections on the duties of the *Contador* as specified in the *Instrucción*.

²⁷ Zamora, *Biblioteca*, III, 617.

frame a classification of the more important duties of the intendant,—whether that officer in Cuba performed them or omitted to perform them. 1. *As a Treasury official*—Under the special care of the intendant were the collection, safeguarding, auditing, and disbursement of revenues and funds, for all of which rules of procedure were in detail specified, and if not adequately supplied, the intendant was authorized to draw up additional ones. He was particularly concerned with the *cuenta y razón*—a term by which the Spanish appear to have designated the system of double entry bookkeeping, that is, a sort of analytical and explanatory record of receipts and disbursements. The multiplied safeguards with which the Spanish surrounded money, once it became a matter of record, indicated that the *intendencia* was not destined to be free from their predilection for reports and papers. Rather the intendency was to make an appreciable contribution to Spanish archival wealth. The increase of the revenues, one of the fundamental purposes of the new system, could not be accomplished on any great scale by mere efficiency on the part of the fiscal agents,—whatever such efficiency might do—but such a result required constructive abilities of the intendant; for he was in respect of this problem, of course, involved with the large questions of commercial, agricultural, and industrial policy. In this, he might cease to an administrator to become a thinker and perhaps a statesman. 2. *As to prevention of contraband and frauds*.—Another of the principal and most difficult duties of the intendant was the prevention and punishment of smuggling. The prevalence of contraband trade was notorious; the connivance of officials was admitted; and the elimination of both was, under the circumstances, a vain hope. Yet, in the careful Instruction of July 22, 1761—the provisions of which were made a part of the obligation of the intendant—with many subsequent amplifications, the government in Spain persisted in the attempt at prevention. These duties and the prospect of administrative law cases respecting officials and procedure in the various branches led to the endowment of the *intendencia* with certain judicial powers and functions. As the intendant was

not likely to be a lawyer, he was instructed to provide himself with a legal advisor (*asesor*). This grant of powers and the plan or organization of the *juzgado* were vaguely stated. The lack of definiteness gave rise to many doubts and was, for more than a generation, the source of much trouble, despite numerous attempts at clarification. It may suffice for present purposes to state here that the intendant and his *asesor* constituted a court, as individually did several of the other officers of the *intendencia* in the role of *jueces conservadores*; that the intendant was president of the *Tribunal de Cuentas*; and that, under various forms, there was set up a *Junta de Apelaciones* to consider and decide appeals from the court of the intendant. On at least two occasions in 1817 and 1825, extraordinary powers were conferred respectively upon intendants Ramírez and Martínez de Pinillos, with the grants in both cases relating to the promotion of prosperity and economy, the reform of administration, and the meeting of crises. It will be concluded from this brief analysis that much of the time of the intendant was absorbed in administration, the verification of accounts, and in the work of inspection. 3. *As to the military establishment*.—The intendant was charged with the care of the pay of soldiers and officers, with the purchase, storing, and issuance of foodstuffs and military supplies, with the provision and maintenance of hospitals, with the transportation of troops and equipment, and with the financing of the construction of forts and fortifications. In both the war and treasury departments, it was incumbent upon him to decide whether it was more advantageous to the royal interests to lease to private contractors any of the services and branches or to administer them directly under government control and operation. 4. *General duties as investigator*.—The royal order of 1800 prescribed certain functions of this class. Among them was that of preparing a series of detailed topographic, economic, and descriptive maps of each province and *partido* within the intendancy. Another was that of taking, from time to time, the census of the population.²⁸ In addition, his office was to be a source of

²⁸ Under direction of the intendant, the census was taken in the following years, 1774, 1792, 1817, and 1827.

information, and the intendant was to become a teacher of the best methods for the production and extraction of the fruits of the country. He was expected to promote agriculture, commerce, and industry, to increase resources—old and new, and to secure prosperity. He was to be the agency for internal improvements, such as good roads. He was, furthermore, to inspire a respect for law and the rights of property. 5. *As to social service and public welfare.*—He was to do what he could for health and sanitation. By instructing the people in the principles of sanitation, he was to strive to prevent epidemics. If the country and people were visited by natural calamities, such as earthquakes or tornadoes, he was to extend financial aid. By way of concluding this outline of the functions of the intendants, a passage from the order of 1800, which had reference to the qualifications and virtues of such officers, is quoted.

The capable fulfilment of these and the other very important duties committed to the intendants demands that they show certain elevated talents, an exquisite instruction, a consummate prudence, an inflexible probity; it demands, moreover, that, imbued with the spirit which cannot fail to inculcate love of king and country, they find nothing delightful if not sobriety and work at all hours and on all occasions; it asks that they be economical of their time, which they must regard as precious, since at almost every instant there may be furnished them an opportunity to do some good; it asks that they never indulge themselves in frivolous occupations nor know other hours of distraction than those of sleep; and it asks that they show a will just, firm, and constant in order not to be deterred by any difficulties, in order to resist all the artful tricks invented by iniquity.²⁹

When all is taken into consideration, Campomanes may be regarded as having expressed a conservative opinion when he wrote that the government expected too much of the intendants.³⁰

The *intendencia* of Havana was formally inaugurated on the arrival of the first intendant, Miguel de Altarriba, in February,

²⁹ Zamora, *Biblioteca*, III, 617.

³⁰ Campomanes, *Carta* IV.

1765. This intendency remained under the original *Instrucción* or law of establishment throughout its existence, although there were many modifications and supplementary regulations. The need for clarification of the law of 1764 promptly arose because of questions of jurisdiction, especially the *jurisdicción contenciosa*, and the judicial powers of the intendant. Some of these doubts were resolved by the clarifying instructions of August 22, 1766 and January 29, 1767; but ample room was left for controversy—intra- and extra-official, ceremonial, procedural, and technical—which will be the subject of later comment. As is well known, the *Ordenanza de Intendentes* for New Spain was issued in 1786, providing for a system in many important respects different from that founded in Cuba.³¹ In time, the home government thought it advisable to harmonize the plans by making the Mexican system operative in Cuba in so far as the *Ordenanza* of 1786 was adaptable to conditions there. An order to this effect, with the reservation mentioned, was sent out in 1791, and another was issued in 1798; but the probable confusion that would be resultant seems to have led Cuban officials to ignore these orders. The intendency of Cuba was unaffected by the *Ordenanza general* of 1803, in which an attempt was made to render the colonial *intendencias* uniform, for that proposed law referred to the Cuban system as having its own special rules. In 1812, by resolution of the Spanish Cortes and by *real decreto*, it was again commanded that *ordenanza* of 1786 should be observed in Cuba in so far as was possible and practicable. None of these orders is to be interpreted as having superseded the law of 1764; they were by way of amplification of and substitution for particular provisions of that law. As confirming this view, a *real despacho* was sent to Intendant Alejandro Ramírez, October 5, 1815, instructing him to follow the law of 1764, which, although changed in some points, still governed the *intendencia*.³² On March 23, 1812, however, an important change did occur in

³¹ For partially complete copy, see Zamora, *op. cit.*, III, under "Gobernadores-Intendentes," 371-387.

³² *Ibid.*, 597.

that Cuba was then given three intendancies, the one at Havana being elevated to the rank of *superintendencia* and subordinate *intendencias* being established at Cuba (Santiago de Cuba) and at Puerto Principe. A significant administrative change was made effective in 1802—the separation of the collection of maritime dues or customs from that of the internal revenues—when the Intendant Luis de Viguri put into practice an order to that import which had been previously issued, in 1791.³³

The distinguished Cuban historian, Ramón de la Sagra, writing of the *intendencia*, divided its history during the period 1765-1818 into four parts: 1. 1765 to 1778, the period of the remaining years of the Royal Company, when the average annual income was 345,190 *pesos fuertes*; 2. 1779 to 1791, under the *reglamento* of free trade, when the average was 577,-159; 3. 1792 to 1814, during the period of war and the system of permissive neutral trade, that was intermittently allowed, when the average was 1,165,593; 4. 1815 to 1818, the period of real free trade, when the average was 2,189,428.³⁴

A list of the Cuban intendants, with dates of service, follows:³⁵

<i>Names</i>	<i>Periods of Service</i>
Miguel de Altarriba	1765 to 1773
Nicolás José Rapun	1773 to 1776
Juan Ignacio de Urriza	1776 to 1786
Antonio de Paz; José Pablo Valiente, visitador; and Domingo Hernani, provisional intendant.....	1786 to 1791
José Pablo Valiente	1792 to 1798
Luis de Viguri	1799 to 1803
Francisco M. de Acre and Juan J. de la Hoz provisional intendants	1803 to 1804

³³ Ramón de la Sagra, *Historia económico-estadística y política de la isla de Cuba*, p. 283. These branches, thus separated, were re-united from 1812 to 1829. At the latter date, the Conde de Villanueva again separated them, issuing a new set of regulations governing the *administradores*. For these rules, see Zamora y Coronado, *op. cit.*, I, 42-47, 51-84.

³⁴ Cf. Sagra, *Historia física, política y natural de la isla de Cuba*.

³⁵ A partially complete list of the Cuban intendants may be found in Zamora, *Biblioteca*, I, p. 93. Brief biographies of most of them may be consulted in J. de la Pezuela y Lobo, *Diccionario geográfico, estadístico histórico de la Isla de Cuba*. It is interesting to note that of the intendants between 1765 and 1825, two, Francisco de Arango and Martínez de Pinillos, were Cubans by birth.

Rafael Gómez Ronbaud	1804 to 1809
Juan de Aguilar Amat	1809 to 1815
Alejandro Ramírez	1815 to 1821
Juan Fernández Roldán, Claudio Martínez de Pinillos, provisional intendants	1821 to 1822
Francisco Javier Arambarri	1823
Francisco Arango y Parreño	1824 to 1825
Claudio Martínez de Pinillos	1825-

RELATIONS OF THE INTENDANTS WITH OTHER OFFICIALS

The relations of the intendant and the governor or captain-general were, from the nature of things, bound to be difficult. Despite the solemn charge laid upon the intendant by the law of 1764 to "respect and obey" the governor as the first officer of the island and upon the governor, in his turn, to "honor" and assist the intendant as the chief of the *real hacienda* and the second officer, it appeared to have been anticipated that "harmony" and "agreement" between the two would not always obtain. Thus, their official relations were to be conducted by means of writing and be a matter of record. When the governor requested money for extraordinary purposes, it was to be supplied him if the intendant approved the objects of the expenditure. If the intendant did not endorse the proposal, in whole or in part, he must nonetheless, honor the requisition, although it was permitted him to protest to the governor with all respect a first and a second time. In cases of such disagreement, the intendant was instructed to report to the king the reasons for his objection.³⁰ Thus, while the intendant might temporarily check the governor and might cause that functionary trouble later by bringing down upon him the royal displeasure, he could not effectively cope with him. The intendant, however, was fairly well protected by legal guarantees. He was entitled to decorous respect from all, including the captain-general, to a uniform, to a staff of office, and to insignia of rank. As to certain of his powers, he was guaranteed freedom from interference, whether from executive or judicial

³⁰ Cf. Art. 30 of the *Instrucción*.

officials. The position of this dignitary might be more fully and clearly understood from the following documents. The first is a communication from José de Gálvez, written in 1780, when he was secretary of the Indies.

Resolved by the king that the governor and captain-general of that island, when he has occasion to write to you, conform himself to [the style and manner] that His Majesty required of the viceroy of Buenos Aires; so, that you may be informed as to what is communicated at this time to the aforementioned governor, I enclose [a paraphrase of the *real orden*, in which the viceroy was commanded to show proper respect to the intendant]. . . . The great distance of those dominions has led [us] greatly to distinguish the chief officers there created with honors, ceremonies, and powers in order that the inhabitants and transient residents may comprehend in exterior fashion the greatness and sovereignty of the king; and in order to have treated with decorum an officer such as the *intendente de ejército y real hacienda* who is so important to His Majesty that in him is vested the collection, preservation, and disbursement of all branches of the revenue, with complete independence of you; and, on account of these reflections—that he is a *gefe principal*, without other superior than the *Superintendente General de la Real Hacienda de Indias*, whose subdelegate he is—the king ordered the viceroy of Buenos Aires that he and his successors should distinguish the *Intendente de Ejército* of that viceroyalty, beginning their letters, when there was reason for writing him, with *Muy Señor Mío*, and closing with the complete *su mas seguro servidor*. In the same way, His Majesty desires your Excellency and your successors to conform to this style and practice. Thus, I inform your Excellency for your fulfilment and the intendant, at the same time, for his information.³⁷

The second is the response to a letter which the intendant José Pablo Valiente had written to the effect that a customary part of the commission to the governor had been omitted. The king, through his minister, in *real orden*, communicated to the governor the following:

The intendant of that island having informed the king that in the *título de gobernador*, sent to you, there was not included the clause

³⁷ A. G. de I., Papeles de Ultramar, Leg. 177, Gálvez to Urriza (Enclosure in a communication of Juan de Aguilar Amat, of Oct. 25, 1811).

in those of your immediate predecessors in which it was provided that the king excepted from their jurisdiction in that island the affairs relative to the collection and disbursement of the branches of *real hacienda* and all of them incident and annexed to it, as well as those pertaining to the economic side of the war department, because control of them belongs originally to that intendant for the whole district of that island, whom you must not impede in any manner in the use of his jurisdiction and powers nor intermeddle on any pretext or cause in the measures he takes; but, on the contrary, you will be obligated to lend him whatever aid he may ask and need for the punctual execution of his duty, it being understood that this royal determination is not new but literally the same that was made applicable to your immediate predecessors in their respective commissions and by involuntary forgetfulness omitted from yours, . . .³⁸

In *real decreto* of 1786, it was affirmed that "in the *intendentes de ejército* there must be respected absolute independence of the captain- and commandant-generals of province, with a jurisdiction in their field equal to that of the latter in the military." Yet this independence, even in treasury affairs, must be considered as limited and restricted by the general grant of power to the governors and chief executives, in extraordinary cases, to do what was necessary for the security and defense of the island. Such is the conclusion one must draw from the royal decree of December 16, 1802, and from the royal orders of May 28, 1825, and March 21, 1834.

So far as the *expedientes* reveal, the initial relations of the governor and intendant were harmonious. There is a letter of the Conde de Ricla to the Marqués de Esquilache informing him of the arrival of Altarriba, the organization of his ministry, the formation of *juntas*, and the holding of preliminary conferences.³⁹ In another communication, Ricla stated that he had promptly recognized the intendant and had given him all due assistance. Further he claimed that, as to the many

³⁸ Lerena to the intendant, February, 4, 1791, *Ibid.* Zamora, *Biblioteca*, II, pp. 180-181, gives the *real decreto* of Dec. 16, 1802, affirming the grant of independent power referred to in the next paragraph of the text.

³⁹ Ricla to Squilace, March 7, 1765, A. G. de S., Secretaría de Hacienda, Leg. 2343.

doubtful points in the *Instrucción*, he and the intendant had acted in accord, without recourse to representations to the crown. The subdelegation of the *cruzada* had belonged, he stated, to the governor; but he had relinquished it to the intendant, who claimed it as a branch of the *real hacienda*. Ricla stated that he would request his successor not to alter this decision, pending settlement by the home government. In addition the governor and the intendant had agreed as to the issuance of passports and papers of *habilitación y registro*, the former to emanate from the governor and the clearance papers from the intendant.⁴⁰

All was not "peace and charity," however, between these neighbors, as Altarriba showed in a letter of August 16, 1765, in which with respect to the relations of governor and intendant he wrote:

The Conde de Ricla [in a letter] dated May 17th calls my attention to Article 30 of the royal *Instrucción* for the establishment of this *intendencia* indicating to me the validity of the expression in the cited *Instrucción* that I must respect and obey him as the *principal gefe* of the island; and now comes the Teniente del Rey, D. Pasqual de Cisneros, who has the office of governor by accident, with the same recommendation, . . . I shall obey even a sergeant if the king command it, but I must inform you of the difficulties in which I shall find myself every day. . . . If the king has desired to establish in this island an *intendencia* like those of Castile, it has seemed to me that it should enjoy the same independence as those [of Spain]. . . .⁴¹

In correspondence running from 1778 to 1810 and in *expedientes* requiring hundreds of pages,—all dealing with the proposition to construct or acquire a suitable building for the *intendencia* and the kindred services, there was frequently occasion to comment on the none-too-cordial relations of the intendant and the captain-general. Although the government in Spain approved the idea and authorized construction or pur-

⁴⁰ Ricla to Arriaga, June 21, 1765, A. G. de I., Audiencia de Santo Domingo, 81-6-12.

⁴¹ Altarriba to Squilace, A. G. de S., Secretaría de Hacienda, Leg. 2343.

chase, for one reason or another the order was not executed, it being alleged more than once that the captain-general had interfered to block fulfillment. Complaining of one of these interferences, the intendant Aguilar, in 1810, wrote "At the same time, it will not be forgotten that this intendency has suffered disdain, contradictions, and lack of support from the present governor."⁴²

In the administration of Urriza (1777-1786), a man of no little inflexibility and severity, there was friction, the intendant being denounced by the captain-general, Ezpeleta (1785-1789). These disputes led to the investigation by *Visitador* Valiente and to the resignation of Urriza. Likewise there was a lack of harmony between Las Casas (1790-1796) and the provisional intendant Hernani, which situation ended with the return of Valiente as intendant in 1791. These vexatious disputes were renewed during the time of Luis de Viguri (1798-1803), who was a protégé of Godoy and who was described by one writer as "one of the most worthless courtiers of the Prince of the Peace, whose disgrace brought down upon him the law."⁴³ Later he was a victim of mob violence because of alleged support given to the French. Bitter controversies with Someruelos (1799-1812), the captain-general, and with members of his own staff characterized what was the most inharmonious administration of any intendant. The difficulties of the time possibly excuse some of the disorder of his régime; but, as it was, he adopted policies and was responsible for many political and administrative acts which were then or later disavowed. Despite the protection of Godoy, he was recalled. Provoking many enmities and severely censured, Viguri retaliated with many harsh criticisms, some of which were probably not without foundation. His successor, Rafael Gómez Ronbaud (or Roubaud), likewise was involved in many quarrels with the captain-general. This intendant has been described

⁴² A. G. de I., P. de Ultramar, Leg. 175, No. 210, August 20, 1810.

⁴³ Conde de Toreno, *Historia del levantamiento, guerra y revolución de España*, II, p. 84. This valuable work was reprinted as Vol. LXIV (1916) of the *Biblioteca de autores españoles*. The reference in this volume is p. 128. For notice of Viguri's arrest along with Godoy, cf. *ibid.*, p. 26.

as suspicious and uneasy, and as having been very sensitive to questions of official prerogative. Sagra wrote that he applied "his intelligence much less in suppressing abuses and disorders (*desarreglos*) than in opposing himself to the continuation of neutral trade and in exciting controversy and rivalry." He was very bitter toward Someruelos and was alleged to have engaged in many intrigues. He complained that the captain-general, with others, was proceeding iniquitously to attack his honor.⁴⁴ Juan de Aguilar Amat (1809-1815), represented as honest, old, and slow, and also as stubborn and literal, reported that he had tried to reach an accord with the captain-general, but that he had been thwarted by that officer who contended that he had exceeded his powers. The period, 1799 to 1815, was the time of greatest disharmony between the intendants and the captain-general. After 1815, their relations improved in tone and spirit; so too, it must be admitted, did the intendants in character and abilities. If the relations of the captain-general and the intendant in Cuba were less productive of contention than in certain other colonies, it must be remembered that the Cuban intendant did not have jurisdiction of *justicia* and *policía*. As it was, there was marked jealousy in their respective attitudes.

The limited judicial functions and powers of the intendant were a fruitful source of doubt and controversy. The intendant, with his *asesor* constituted a court before which were tried administrative law cases not only, but those involving infractions of the taxation and trade laws. In a case where a private individual or a group of individuals was one party and the government was the other, we have an instance of the *jurisdicción contenciosa*.⁴⁵ Appeal from the decision of the intendant

⁴⁴ A. G. de I., P. de Ultramar, *Reservada*, November 7, 1808.

⁴⁵ In article 16 of the *Ordenanza General* of 1803, designed to govern colonial intendancies, there was made a definition of certain terms, including *jurisdicción contenciosa*. In part, it was stated "ha de entenderse por *contencioso* todo lo que sea punto de derecho que con razón se reduzca á pleito, y haga forzosas las actuaciones judiciales, como en las causas de contrabando, y en las que se dispute la paga ó adeudo de una cantidad que por su origen, por la cuota, ó por la variación de tiempos y circunstancias ofrezca probable motivo de dudar, ó cuando por la suspensión ó privación de empleo, se queje cualquiera de los ministros que lo pueden

could be taken, and the case re-tried before another local court, called the court of appeals or the *Junta de Apelaciones*. There were many protests as to the number of appeals from the judgment of the intendant. It was asserted that it was too easy to secure recognition of such appeals, thereby reducing the tribunal of the intendant to insignificance. Also, officials of the *real hacienda* were in doubt as to how far they might go when they thought the *Fiscal* of that department to be acting without energy and ability. José Armona, in a letter to Esquilache, October 6, 1765, stated that he observes great zeal in the intendant, but that

. . . in the others, the *Fiscal* as well as the other ministers who compose the *Tribunal de Cuentas* or that of appeals, is noted a certain union—whether for private reasons or on account of the spirit of faction—which accords badly with the service of the king—since accustomed previously to have part in the management of the *real hacienda*, of which they are at present dispossessed, they give very evident signs of their feeling and they have made the tribunal of the intendant illusory by means of revoking its decrees.

There is a species of alliance which has its beginnings in reasons of another day and in patriotism, which in their minds overcomes all others. The intendant hardly ever issues a decree that is not appealed and reversed.⁴⁶

On April 28, 1766, certain officials and tribunals drew up a statement, submitted in twenty-three points, respecting doubts and embarrassments as to the judicial functions of the intendant and as to the system of judicature created for the *real*

hacer; y en estos y otros semejantes casos, sustentados los autos por el superintendente ó intendentes á quienes correspondan, se admitirán las apelaciones conforme á derecho en la junta contenciosa, la cual conocerá tambien en grado de súplica, y con su sentencia quedarán ejecutoriados, sin mas recurso que el de nulidad ó injusticia notoria á mi supremo consejo de las Indias en sala de justicia, bajo las formalidades prescriptas para ellos; y por consecuencia de esta declaración no deberá calificarse de *contencioso* cualquiera otro asunto en que las partes voluntariamente contradigan, y en que, sin necesidad de otro dictámen basten las mismas reales disposiciones para conocer la malicia y ligereza con que proceden queriendo frustrar, ó á lo menos dilatar el cumplimiento de las providencias gubernativas de que nunca ha de admitirse recurso, sea ó no verdaderamente contencioso el negocio, sin que á ley de depósito se custodie en la tesorería hasta la final resolución." Zamora, *Biblioteca*, IV, pp. 90-91. Cf. Joaquín Escriche, *Diccionario razonado de legislación y jurisprudencia*, III, p. 744.

⁴⁶ A. G. de S., Secretaría de Hacienda, Leg. 2343.

hacienda. To this protest, on July 7, 1766, a committee formed by order of the king replied resolving these questions in an answer of sixteen points. On August 22, of the same year, in royal *cédula*, the imperial government attempted further to settle some of these perplexities by clarifying the law of establishment of 1764; but the complaints and doubts—probably inevitable in the case of a new constitution—continued. Finally the intendant was informed that where the *Instrucción* did not cover the case he must secure royal approbation for the course he proposed to follow.⁴⁷

In the *Papeles de Ultramar*, there is an *expediente* which gives an interesting and concise history, from 1766 to 1804, of the issues provoked by the *Junta de Apelaciones* and of the various decisions of the Spanish government with reference to them. This document, in translated form, is printed in full.

In Article 25 of the *Real Instrucción*, which was framed for the *Intendencia* of the Island of Cuba, erected in the year 1764, it is provided that the Intendente act as president of the *Tribunal de Cuentas*; and, it not being just that if parties feel themselves inequitably treated on account of his decisions they may not have the consolation of appealing and bettering their condition in a second trial—and that, without having to carry the matter to the courts of Spain, it is the royal will that if any persons should want to make use of appeal they carry it to the *Tribunal Mayor de la Contaduría de Cuentas*; that in such cases there be united to that tribunal the *Asesor* of the *Intendencia*, the Auditor de Guerra, and another lawyer, named by the Governor and that, with the opinion of these three, the court decide the appeal, the decision being final.

There having occurred various doubts with reference to the article mentioned, His Majesty resolved, in *Real Cédula* of August 22, 1766, that the Fiscal of the *real hacienda* be added to the *Junta de Apelaciones*, that this court admit only the appeals from the definitive decisions of the intendant or from the interlocutory decrees which might cause irreparable damage; that a plurality may render decision—in which case those who dissent may, without prejudice, write their votes secretly in the record (*en libro reservado*); that the intendant and his *Asesor* can not be admitted to the *Junta de Apelaciones*; and that in place of this *Asesor* the court shall name another, since the Intendant's *Asesor* must be excluded,

⁴⁷ A. G. de I., Audiencia de Santo Domingo, No. 235, 81-6-12.

with whose opinion the decision was pronounced against which appeal has been lodged. In another *Real Cédula* of June 14, 1767, it was declared that, in case of disagreement among the lawyers who join in the *Junta de Apelaciones* so that a plurality of opinions can not be obtained, it devolves upon the judges to follow the course that they may consider most proper or to ask that the Governor name another lawyer to assure decision.

The Intendant, D. Miguel de Altarriva, protested showing that the *Junta de Apelaciones* reduced his powers (*facultades*), that the *Junta* was assuming power in the decision of appeals, and that it exceeded itself when imposing fines on the *Asesor* of the intendant.

The Council of the Indies in several *consultas* proposed that these complaints be disregarded and that there was no reason to change the settlement made in the *Instrucción* and royal *cédulas* mentioned. In his order of March 2, 1778, His Majesty resolved that the Council should consider if it would be best to abolish the *Junta de Apelaciones*, since it did not secure the result aimed at in its creation and since it was continually embarrassing the intendant and the *contadores*.

On November 19, 1781, the Council, *en pleno* of two chambers, with previous reports from the *Contaduría General* and the Fiscal, completed its *consulta*. That document showed that in order to prevent the discords between that intendant and the *Junta* the latter be abolished, but it abstained from proposing extinction by considering the matter of the utmost gravity. The Fiscal supported with solid reasons the continuance of the *Junta*, the Council agreeing with his opinion in this respect; but, not approving the several alterations which that officer proposed, it advised that no change should be made in this tribunal, considering it very advantageous to the inhabitants of Cuba, nor that the rules on which it was established be altered.

On March 1, 1782, His Majesty ordered that a copy of this *consulta* and of previous ones be forwarded to the intendant of Havana in order that he should be informed privately on all the particulars they contained so that with full knowledge he could take the steps most suitable.

The Intendant, D. Juan Ignacio de Urriza, completed his report on October 26, of the same year, making a long enumeration of the excesses committed by the *Junta de Apelaciones*, blaming it with having acted with despotism, without subjection to the laws, and above all with declared effort to reduce and make contemptible the authority of the *Intendencia*; and it was his opinion that this establishment, far from being useful for the administration of justice, was on the contrary very prejudicial, and that its abuses could not

be corrected by new rules and precautions, since all the previous ones had not produced effect; in view of which he proposed that the *Junta* be abolished and that appeals in cases of the *real hacienda* be carried to the Council of the Indies.

This *expediente* was sent to the office [of the Secretary of the Indies] in February of 1783 and remained without being acted upon; and, the Marquis de la Sonora [José de Gálvez] who had it among his papers, having died, the *consultas* by dispatch of Valdés, July 22, 1787, were referred back to the Council.

The Council, having received the *consultas* without resolution, again treated the matter *de novo*; and, on July 2, 1791, made report that they did not require any action as the several persons who were sources of the disagreements which occurred between the Intendant Urriza and the members of the *Junta de Apelaciones* [were no longer acting]: so that thereupon, with the change in personnel, the discords stopped and likewise the supposed inconveniences ceased—in the many years that had passed there had not been any complaint either of the *Junta* or against it; on which considerations the Council proposed, and His Majesty in his decision approved, that no change should be made and that if in the future there should occur cause for it, the case would be examined and acted upon as the circumstances demanded.

On the occasion of a circular *Real Cédula*, sent by the Council on October 6, 1783,—in which it was ordered that all appeals in cases of contraband in America be referred to the royal person or to the Council, except those involving foreigners which should be settled in the Indies,—the *Contador Mayor de Cuentas* of Havana, D. Miguel Arnaiz, wrote to this Ministry showing that the said *Real Cédula* should not be executed in that island where there was established a *Junta de Apelaciones*.

This representation being forwarded to the Council, it advised, July 2, 1791, that the *Real Cédula* should not be applied to the intendency of Havana, owing to the fact that there was established there the *Tribunal de Apelaciones*,—with which opinion His Majesty deigned to conform, August 5th.

In the same year, 1791, D. Andrés de Saavedra, former *Administrador* of the district of Bayamo, made several representations, complaining of the intendant and of the *Tribunal de Apelaciones* of Havana; and official notice was delivered to the Council, February 22, 1792, requiring that it should advise as it saw best as to improving the system of the said *Tribunal de Apelaciones*, as well with reference to the evil method there followed in the proceedings as on account of the increased revenues that might rightfully be obtained.

In consequence of this resolution, the Council again examined this matter in detail, and, in *consulta* of August 4, 1800, reported that it would be advisable to establish in Havana a *Junta Superior de Real Hacienda* after the manner provided in the *Ordenanza de Intendentes* of New Spain, giving into its care not only the administrative law jurisdiction but also the *jurisdicción contenciosa* as regards appeals and other cases of which it must take cognizance; and it was the opinion of the Council that the *Junta* be composed with respect to the *contencioso*—the Intendant and his *Asesor* excluded—of the senior *Contador mayor* of the *Tribunal de Cuentas*—or his associate in case of absence or sickness—the *Contador de Ejército*, the *Asesor* of the Governor, the *Asesor de Guerra*, that of the *Marina*, these three keeping to the order of seniority of their appointments; that also there be present the Fiscal of *real hacienda*, but without vote on account of being [officially] a party in these affairs of justice; and that for the occasion in which any one or more of these lawyers find themselves unable to attend there should be substituted for them the *Asesores* of the *Tribunal de Alzadas*, the *Asesor de Correos* and that of the *Consulado*.

With this judgment His Majesty agreed, and on Nov. 13, 1800, the Council sent the corresponding *cédulas* to the governor of Havana and the Audiencia of the district.

The governor, Marquis de Someruelos, in a letter of October 2, 1801, informed the Council of the satisfaction with which the public received the new order concerning the *Junta de Apelaciones*; and that, on account of this as well as because of several verbal representations, he had, as first magistrate of the island, planned to inaugurate the new court; but that he had not done so since the Intendant, D. Luis Viguri, had told him that he [Viguri] would take efficacious measures for the fulfilment of the sovereign will, [at the same time] asking Someruelos not to execute it until a new *Real Orden* came; that meanwhile there occurred grave damages to the correct administration of justice.

In a letter of February 19, 1803, directed to this ministry, Viguri showed that the delay in the opening of the *Junta* in its new form was due to the solicitation of the office of president of it [when organized to judge cases] in the *contencioso* by the *Contador Mayor*, D. Thadeo Taudenes, and to his being opposed by *Contador Mayor* D. Alphonso de Cárdenas, retired (*jubilado*), whom Viguri, after the retirement, qualified to serve provisionally in the tribunal on the ground that this designation facilitated the best dispatch of business.

But Viguri, opposed to the establishment of the new *Junta*, and attributing without foundation [his course of action] to the candidacies of the *contadores mayores*, tried to convince [us] that there

was no reason for changing the old system and that he should continue as president in the *contencioso*, with the proviso that he should not serve in cases of appeal which should arise from his decisions.

This representation was forwarded as the report of the Council, May 29, 1803, which body ordered it sent with antecedent papers to the *Contaduría* and the Fiscal.

In this state the affair rested when the Intendant Viguri, in a letter of June 11th, represented that, notwithstanding the fact that to him as chief of the *real hacienda* belonged [the right] of opening the new *Junta de Apelaciones*, and that before verifying it several points must be agreed upon as he demonstrated to Someruelos during the previous January;—[despite all of which] the latter [Someruelos] without awaiting further developments instituted the *Junta* on the 7th of June, declaring Taudenes president, with injury to Cárdenas, who should be president on account of seniority; and in another representation of the 27th following Viguri complained of the violent measures which the new *Junta* had taken in order to replace in office the *Asesor* D. Diego Sedano whom he had suspended, and he asked that proper satisfaction be given him for the insults and injuries that he had suffered, inveighing strongly against the precipitation with which the *Junta* was installed, which body, he said, would cause the gravest troubles to the *real hacienda* and would ruin the *Intendencia*.

In view of these representations, His Majesty was pleased to disapprove of the proceedings of Viguri and those of the *Junta* relative to the suspension and re-instatement of the *Asesor* Sedano, and he ordered that, reverting to the state of things before the said suspension, Sedano should continue in the discharge of his office, sending back to the intendant as well as to the *Junta* complete data of whatever in the affair and its incidents should be considered by them in reaching agreement as to the measure most proper to take; concerning all of which the proper royal orders were sent, August 23, 1803, to the Governor and the Intendant.

On the same date there were sent to the Council the representations of Viguri and one from Sedano in order that, joining them to other documents deposited there, it should frame an *expediente* and should advise, in the briefest possible time, what it should judge opportune; but in *Real Orden*, of September 26, communicated to the governor of the Council, His Majesty resolved that the *expedientes* concerning the disputes of Someruelos, Viguri, and Sedano should be examined in *junta* of ministers by D. Jorge Escovedo, D. Ramón de Posada, and D. Lorenzo Hernández de Alva. To this end all the papers, inclusive of those relating to the *Junta de*

Apelaciones were sent from the Council to the *junta*, and, with effect, [for] they completed their report in December of the same year.

In these circumstances and before any resolution had been taken on the report of the three ministers of the Council, the provisional intendant, D. Rafael Gómez Ronbaud sent in a representation dated November 22, 1804, in which after referring to the affairs of Viguri and Sedano and the installation of the *Junta de Apelaciones*, he, supposing that the governor had instituted it arbitrarily by caprice and in order to outrage Viguri, claimed that the *Real Orden* of August 23rd not only disapproved of the proceedings of the *Junta* and of the intendant, but also of Someruelos, since it commanded that they revert to the state of things before the suspension of Sedano; but that, notwithstanding, the *Junta*, which Ronbaud called illegal (*intrusa*), continued, and he summarily attributed to it, according to his practice, all the disorders of Havana and the fact that the debtors neither paid nor had esteem for the chief of the *real hacienda*. For such evils he had no other remedy than that the *Junta* cease and be forever abolished, the causes of which it took cognizance to be carried to the Council as the Intendant Urriza proposed in the report of October 26, 1782, of which mention has already been made.

Finally, Ronbaud said that the *Tribunal de Cuentas* should also be abolished and all the offices of *asesores* and *auditores* of the island, leaving the chiefs [of the *real hacienda*] with liberty to take as *asesores* the lawyers they may prefer; affirming in conclusion that if this measure was not adopted neither could the *real hacienda* act with the proper energy nor ever could be recovered the 2,787,491 *pesos* which were owed [to the treasury]—in which caculation Ronbaud was guilty of grave carelessness, for in a letter of November 22, 1804, number 360, he said that these debts amounted to 4,115,222 *pesos*.⁴⁸

The establishment of the new court of appeals for treasury cases did not immediately end the difficulties and complaints, particularly those with reference to the *jurisdicción contenciosa*. During the administration of Ronbaud, the relations between the intendant and this court were especially inharmonious. He charged the court with having allowed judicial business to fall into a "monstrous state" of disorder. His assessor, Francisco

⁴⁸ "Expediente sobre el establecimiento y subsistencia de la Junta de Apelaciones le Havana," A. G. de I., P. de Ultramar, Leg. 175.

García Quintana, also made charges, submitting a long report which attributed the delays and disorders, the troubles of the treasury department, to the court, whose members were "sons of the country," planters, and by marriage related to one another. The intendant sought to show the necessity of suspending the court in order to restore the treasury. The ministry of the Indies declined to accept this solution. On the other hand, the intendant was censured; and it was pointed out by way of rebuke that in the supporting documents and in the illustrative cases, submitted and analyzed by the intendant and the assessor, no mention was made of the *Junta superior de Apelaciones*; it was further stated that it was not known to the ministry if the court had the least part in the matters offered as a basis of the complaint. The blame for the delay or the failure of justice was said to rest upon the *asesor* and the *Fiscal*. Further it was stated that the only thing evident in the whole affair was the obstinate attempt of the intendant to deprive the *Junta* of its powers and to discredit it. Finally, the intendant was warned not to molest the ministry with "such unfounded and repeated complaints."⁴⁹

Earlier Ronbaud had attacked the court, emphasizing a criticism mentioned above but treated incidentally,—that is, he held that membership in it by native Cubans was a violation of the Laws of the Indies. The law in question (Ley 17, Tit. 2, Lib. 3 of the *Recopilación de las Leyes de los Reynos de las Indias*) was, he insisted, strengthened by a royal order of October 23, 1790. He included a list of members of the *Junta* who were natives (*hijos del país*) urging that their presence in the court, with their local ties and interests, were causes of the evils and delays suffered by the treasury. The intendant was again refused, when it was held that the law and the royal order referred to the non-employment of American-born persons as *corregidores* and *alcaldes mayores*. It was stated that more than "the declamations and personalities" of Ronbaud would be required to prove the contention he was trying to sustain.

⁴⁹ Ronbaud to Soler, No. 806, November 7, 1806; *Consulta*, April 1, 1807. A. G. de I., P. de Ultramar, Leg. 175.

It was also plainly intimated that the intendant was acting in league with the European-born Spaniards.⁵⁰

Despite other criticisms, the court of appeals for treasury cases remained, until 1834, under the rule of organization decreed in 1800. In the former year, it was provisionally modified. A permanent organization was attempted in 1836.⁵¹

The *juzgado* of the intendancy suffered from other difficulties than those of internal organization and dissension. As late as January 18th, 1817, no less an intendant than Ramírez protested "that the jurisdiction of the *real hacienda* in this island is seen very often made contemptible and its employees exposed to frequent outrages." There had been many complaints that, if a treasury officer proceeds against a defrauder or debtor, he finds the local judge in league with the offenders and with the people of the district. If appeal is taken, the parties and the government must have recourse to distant courts which have a different rule of practice, to the great embarrassment of both. Such was held to be of frequent occurrence, and he stated that, as a result, "the rights of the king can not be vindicated with the proper vigor and force; the intendant can not sustain his officers even when it is clear that they have not exceeded their powers; even less can one punish those who impede the exercise of these functions and impair the good administration of the *reales rentas*." Affirming that such difficulties are not experienced by the intendancies of Spain nor by the others of the Indies, where the jurisdiction of the intendants is larger, he proposed to cut to the root of the evil by authorizing the intendants to take cognizance of the excesses committed by the *alcaldes* and other petty judges, "in conformity to law and with appeal to the *Junta Superior de Apelaciones*."⁵²

⁵⁰ No. 738, February 15, 1806, A. G. de I., P. de Ultramar, Leg. 175. The list mentioned interestingly reveals the number and names of the Cubans who were members or who, as substitutes, might become members of the court. They were: the *auditor de guerra*, D. Julián Campos; the *auditor de marina*, D. José Ponce de León; the *asesor de Alzadas* and *síndico perpetuo del Consulado*, D. Francisco Arango y Parreño; the *asesor del Consulado* and *Fiscal de Marina*, D. Manuel Coimbra; and the *asesor de Correos*, D. Jacinto Castellanos.

⁵¹ Cf. Zamora, *Biblioteca*, IV, pp. 95-99.

⁵² No. 181, A. G. de I., P. de Ultramar, Leg. 178.

Between the intendant and his own staff, there were frequent instances of discord. It will be recalled that, while the intendant nominated men for office and sometimes appointed them, he was not invested with the power of removal. He could and did suspend officials; but his action was subject to review.⁵³ The intendant was repeatedly assured, however, as in the case of the royal order of May 12, 1777, that as head of the *real hacienda* he had the authority to command those who served under him,—auditors, administrators, treasurers, and others.⁵⁴ There were questions of precedence, there were departmental rivalries—both of which led to acrimonious controversy. Due to participation in the reward for reporting cases of contraband or defalcation, officers might be spies on one another; so the service was without a strong *esprit de corps*. As members of the *Junta de Hacienda*, the ministers of the *intendencia* knew about much of the business conducted, gave advice, and expressed opinions. Some of the high officials, such as the *Administrador general de las Rentas*, and the *contadores* exercised the privilege of communicating directly and independently with the Spanish government. Thus it was that José Armona reported his observations on the difficulties of Altarriba, already mentioned. Much of what was in this way written was critical of the intendant. As in their own right interpreters of royal decrees and orders, at times they individually held up the administration of affairs, as when the *Contador de Resultas* withheld his approval of the treasury accounts of the year 1792, the matter not being settled as late as 1802.

⁵³ Article 77 of the *Ordenanza* of 1786. In No. 111, Viguri to Soler, August 12, 1800 (A. G. de I., P. de Ultramar, Leg. 175), the intendant states that he has tried to do his duty and to execute the commands and wishes of the king, but complains that there have been embarrassments and insubordination. Two *contadores*, in particular, have lacked respect, have spread dissension among others of the staff, have set a bad example and neglected their duties, and have disobeyed the king. He had been asked by others, and specially by the *contador mayor*, Taudenes, to deprive them of their places. He requested authorization to do so. Viguri was denied the request, his intimate friendship with Taudenes being suspected and the grounds of the complaint not being considered as proved. He was instructed to reprimand the two offenders. If they again neglected their duties, he was to remove them.

⁵⁴ Zamora, *Biblioteca*, II, p. 484.

This tardiness caused a minister of the Indies to comment that such maneuvers were "a waste of time and only serve to weary the home government with frivolous appeals that arise more from shameful personalities than from informed zeal for the royal interests."⁵⁵ Aguilar, the intendant from 1809 to 1815, averred in this connection that a conspiracy, with the idea of malicious fraud (*estelionato*), as bold as it was successful, had been formed to keep the records of the *intendencia* in disorder. The last three intendants, he stated, had been unable to tell or to know the true state of the treasury, and that he could not calculate how much the *real hacienda* had lost.

COMMENT ON THE OPERATION OF THE SYSTEM

Despite all, it is fairly to be said that the establishment and the subsequent influences of the *intendencia* were of immense significance to Cuba and that it brought something like order out of the fiscal chaos of earlier days. Such was the testimony of Pezuela, in spite of the fact that he regarded the Cuban intendants as men inferior in abilities to those who served in Spain. Sagra held that with the foundation of the *intendencia* began the commercial era of Cuba. The statistics would appear to show that, with some vacillation, revenues increased, especially after the Spanish trade law of 1778. However this may have been and to whatever agency it was attributable, Cuba was not self-supporting. As had been the practice since 1585, a subsidy was received from Mexico to cover the deficit. Very fortunately, this economic dependence was ended at about the same time that Mexico became politically independent. Cuba was able in 1822 to balance receipts and expenditures, due perhaps to the able administration of the intendant, Alejandro Ramírez.⁵⁶

Although this paper is not designed to treat the financial history of Cuba during the early period of the intendency,

⁵⁵ Soler to the intendant, February 15, 1802, A. G. de I., P. de Ultramar, *Expediente*, No. 1152, Leg. 176. Also Aguilar to Araujo, No. 939, *ibid.*, Leg. 176.

⁵⁶ On the situado from Mexico, typical utterances of the intendants may be found in Viguri to Soler, August 21, 1801 (A. G. de I., P. de Ultramar, Leg. 175); Ronbaud to Soler, No. 943, December 19, 1807 (*ibid.*).

reference to some of the developments and changes in commerce would be pertinent. Down to 1818, the Spanish laws prohibiting trade with foreigners remained technically in force. They were, in part, however, from time to time suspended. Also, with what appears to have been increasing frequency, special licenses were given to individuals. As early as April 14, 1767, in royal order, it was provided that in cases of urgent necessity Cuba might have recourse to foreigners for supplies. In addition, restrictions on intercolonial trade were modified. The Cubans came to be permitted to trade with New Orleans, the two Floridas, Mexico, and New Granada. The struggle for independence on the part of the people of the United States, in which war Spain was associated, added a chapter to the economic history. With Cuba faced by dire immediate results, trade was permitted with friendly states. The restrictions were re-imposed in 1784, with the exception of those relative to the slave trade. With the political and economic crises attendant upon the wars which in time accompanied the French Revolution, the concessions had to be renewed, as they were in 1793, when supplies were imported in neutral ships. The granting of these concessions was contested by the monopolists and the advocates of restriction, in Cuba and in Spain. As a party, they were opposed by a fairly well organized group which favored this form of free trade. The contest between them involved the intendant and the Havana *Consulado*, established in 1794.⁵⁷ The concessions, mentioned above, had scarcely begun to be enjoyed when in 1796 they were withdrawn, to the curtailment

⁵⁷ Some of the activities of the Havana *Consulado* and its relations with the intendancy, may be traced in the interesting *Obras del Excmo. Señor D. Francisco Arango y Parreño* (2 vols., 1888). On the occasion of receiving a *real orden*, of the 6th of June, 1817, to deliver to the navy department boats that had been armed by the *Consulado*, the Intendant Ramírez paid a tribute to that body, which had acted in accord with the intendancy. As to the order, he wrote: "En tal estado de las cosas, repito, poco había que hacer para el cumplimiento de la última Real Orn. Todo podía continuar como estaba, y hacerse bien y arregladamente el servicio de S. M. que es mi único deseo. Desgraciadamente no sucederá así. Enconados ciertos ánimos, de una parte se ha visto esta resolucn. como un triunfo del amor propio que se juzgaba ofendido; de otra se ve como un desaire y menosprecio, que en los menos exaltados produce la tibieza y el resfrio para no continuar haciendo sacrificios que se miran infructuosos." A. G. de I., P. de Ultramar, Leg. 178, No. 329, August 2, 1817.

of a thriving trade with the United States and to the economic distress of Cuba. The Spanish government temporized by granting some concessions in 1797, but it re-imposed the restriction again in 1799. In this crisis the captain-general and the intendant agreed to suspend enforcement of the order, keeping the port of Havana open and later authorizing other ports to trade in supplies with neutral powers. Spain accepted this action, in 1801, as a rule of practice, making the trade with foreigners contingent upon the consent of the two officers mentioned. Sagra stated, however, that the fear that the concessions would be temporary inhibited real development of this trade. Indeed, they were cancelled in 1804 and renewed in 1805.⁵⁸ After experiencing this vacillation of the home government, the vicissitudes of the Napoleonic wars, the embargo policy of the United States, and the crisis of the war of 1812, Cuba, on February 10, 1818, was granted, by royal decree, free trade with foreign powers, although the grant was accompanied by unfortunate customs regulations.

Some of the intendants were administrators and executives of talent. In such a category, without serious question, would be placed José Pablo Valiente, Ramírez, and Martínez de Pinillos, who inherited the title of Conde de Villanueva and was given many honors. Of moderate capacity Altarriba, Rapun, and Urriza might be estimated. Viguri, Ronbaud, and perhaps Aguilar should be regarded as having been the least capable. It was a capital misfortune for the island that they came at a most critical time.

These various intendants followed different policies, as would be expected,—not so much as to the duties specifically and definitely laid down in the instruction, but as to the implied functions, such as the promotion of prosperity. All were concerned with the problem of contraband, some being severe in their adoption of punitive measures and others considering the problem as being so vast in its ramifications as to be too difficult for successful solution; but most, if not all, submitted reports

⁵⁸ Cf. section devoted to the history of Cuban commerce in Ramón de la Sagra, *Historia económico y estadístico política de la Isla de Cuba*.

on their efforts to eradicate the evil. Some like Valiente, Viguri, and Ramírez were advocates of free trade not only with Spain but with foreign countries; whereas Ronbaud and Aguilar were critics of that idea, Aguilar being in favor of the trade law of 1778. Valiente, one of the notable intendants, rendered such services that the *Consulado*, informed of his prospective recall, petitioned and memorialized the king that he be allowed to remain, in which effort to retain him other bodies, such as the *cabildo* of Havana, joined. In the statement which the Syndic, Francisco de Arango, was instructed to draw up, that official praised Valiente as having favored commerce, constructed storehouses for sugar, paid old claims that were just, made taxation concessions in behalf of agriculture, advocated wise measures as to the slave trade, collected taxes with efficiency but not with rigor or extortion, greatly increased the revenues, simplified the customs service, enlarged the dock, financed the country with skill during war time, discovered and punished plots to defraud, improved hospitals, and—as having coöperated with the captain-general.⁵⁹ Another able intendant was Alejandro Ramírez, who had previously served as intendant of Porto Rico. Coming to Cuba in 1815, he interested himself in fostering immigration and settlement, building new towns, establishing free trade, encouraging public instruction, and correcting or abolishing the monopolies.⁶⁰

⁵⁹ *Obras del Excmo. Señor D. Francisco de Arango y Parreño* (2 vols., 1888), Vol. II.

⁶⁰ In No. 660, April 9, 1818, A. G. de I., P. de Ultramar, Leg. 178, Ramírez related to the Secretary of *Estado y del Despacho de Indias* the account of a hasty visit of four days duration to the port of Matanzas. Although he went there to deal chiefly with matters concerned with the *factoría de tabacos*, he took cognizance of several other affairs of importance on which he reported. These included—construction of a pier for the harbor and of a dredge (*pontón*); provision for a customs building; provision for the drainage of certain suburban lands; orders for the improvements necessary for the resumption of the operation of certain salt works; removal of obstructions to the collection of municipal taxes. In addition, he resolved several administrative problems which had arisen in the *real hacienda*. On this whole procedure, he remarked: "Cada uno de estos particulares tenia abultados antecedentes, que llevé conmigo á Matanzas. Una vista ocular de un quarto de hora, dá mas luz en ciertos negocios, que los mejores informes escritos. Todos estos, y otros incidentes, quedaron determinados en conferencias con el Gobor Subdo de Rl Hacienda, individuos del Ayuntamts Diputacion del Consulado, y demos vecinos práles, despues de haber inspeccionados los terrenos de la localidad, y los títulos y razones de cada parte." Ramírez, in reply to attacks that appeared

Claudio Martínez de Pinillos, Conde de Villanueva, trained in public finance as secretary of Valiente, was the intendant of longest service, holding this office, with the exception of two short periods, from 1825 to 1851. As in the case of Arango,—who, it might be noted, served as an active member of the Cortes of Cádiz and also as a member of the Council of the Indies under Ferdinand VII,—he was a native of Cuba. Besides many administrative changes, he inaugurated, during his first service as intendant, in 1822, the *depósito mercantil*, where goods could be deposited in bond.⁶¹

The *intendencia* of Cuba, despite adaptations from the *Ordenanza* for New Spain and despite the many amplifications and modifying instructions and decrees, was of a special order and as such different from the others established in the remaining parts of the Spanish empire. Its success—and, on the whole, despite its cumbersomeness and its evident inefficiencies, it must be regarded as such—was not considered as an argument for the system. The absence of Indians, the relatively limited jurisdiction of the intendants, and their disproportionate concern with trade and international interests made for a system that was different from the continental intendancies.

in *El Tío Bartolo*, wrote his *Exposición del Intendente de Ejército al público de la Habana*. Pezuela, in his *Diccionario* (IV, 333), remarks that the Spanish government was considering Ramírez as a successor of Canga Argüelles as minister of Hacienda.

⁶¹ Pezuela (*Diccionario*, IV, 223), wrote of Pinillos "It would require a volume to detail branch by branch the advantageous changes which one after another Pinillos established in the collection of the customs and in the administration of the internal revenues, now authorizing the opening of the new ports to commerce, now modifying the tariffs in accord with the *Junta Consultativa de Real Hacienda*, now providing for a multitude of public works and constructions in order to expand and improve all the related branches of the administration. . . . There were not lacking some to censure bitterly his operations, but the results and their number, if they did not silence complaints, justified his activities victoriously."

INSTRUCTION ESTABLISHING THE CUBAN INTENDANCY

(Translation)

Instrucción issued to the Intendant who is to establish himself in the Island of Cuba. San Lorenzo, October, 31, 1764.¹

Experience having demonstrated the advantages which my royal treasury has obtained in the best administration of the revenues, and the army in the security of its supplies, from the establishment of the intendancies in my kingdoms of Castile, I have considered that these same advantages can be secured to the Island of Cuba by founding in it the same system. To this end, I have resolved to create in that island an Intendant, with his residence in Havana, to have jurisdiction of the two departments of Treasury and War, on the same basis as the *Intendentes de Ejército* act in Castile; and it being necessary to alter in some particulars the rules which are here observed on the ground that they are not adaptable to the system and government of that island, I take it as proper to designate the following articles and instructions by which the Intendant shall be governed.

1. The Intendant² shall have original jurisdiction over all funds, fiscal services, and taxes of whatever kind or form that may pertain to my *real hacienda* (royal treasury), with all that is incident, dependent, and annexed to it, whether it is controlled by government administration, or is leased, or is collected in whatever other way.

¹ A copy of the *Instrucción* may be found A. G. de I., Audiencia de Santo Domingo, 81-6-12. There are many minor differences in textual form from the copy published in Zamora, *Biblioteca de Legislación Ultramarina*, III, 597-606. The copy made at Sevilla, for instance, is addressed to the intendant in the third person while that of Zamora is in the second. There are some differences in the numbering of the articles of the instructions. Certain of the more significant differences are noted in the footnotes that follow.

My colleague, Dr. S. E. Leavitt, Professor of Spanish, read the manuscript of this translation and made many corrections. He is, of course, in no sense responsible for any errors that may appear in it.

² An explanation of the titles of officials associated with the intendencia might be of service. It is arranged with some idea of the relative importance of these officials. *Intendente*: the intendant; *Administrador general*: the collector-general of customs and internal revenue; *Contador*: accountant and auditor; *tesorero*: the treasurer; *fiscal*: prosecuting attorney; *asesor*: judicial advisor who made legal decisions in name of some official who was ordinarily not a lawyer, but who was charged with judicial functions; *Subdelegado*: deputy or local representative of intendant; *Comisario*: inspector; *Guarda almacén*: custodian of supplies; *Mayordomo de la artillería*: artillery officer in charge of supplies for that branch (later called *guarda almacén*); *fieles*: customs inspectors; *contralor*: administrative officer of army who had duties with respect to preparation of the *Cuenta y razón* of the artillery; *habilitado*: military officer charged with the collection from the treasury of funds for his unit and of looking after the supplies; *sobrestantes*: labor overseer, a tally clerk.

2. The revenues, divisions, and taxes that at present are collected at Havana are those of the *Almojarifazgo*, *Armada*, *Comisos*, *Alcabala*, *Oficios vendibles*, *Novenos*, *Extrahordinario*, *Penas de Camara*, *vacantes*, *Papel sellado*, *Derechos de Esclavos*, *Naypes*, *Estanco de Gallos*, *Venta de tierras*, *Yndulto de negros*, *Media annata de embarcaciones de Ministros*, *de Oficios*, *de Alcaldes*, *de Tierras*, *de Titulos de Castilla*, *Almirantazgo*, *Quintos*, *Sisa de Galeota*, *Sisa de Muralla*, *Estanco de Sal*, *Azucar*,³ and of all of them, and of whatever other tax that may belong to the *real hacienda*, he must have, keeping separate each branch, a perfect knowledge of the circumstances in which they are imposed and on what fruits, goods, or effects; and he must inquire if the collection corresponds to the impost, how and by whom they are managed, under what rules, what incomes they produce, what expenses they suffer—if they are legitimate or should be abolished—what is the current balance in favor of my royal treasury and if it has been placed in the appropriate *arcas* (treasury chests).

3. If the collection in each branch or revenue does not correspond to the impost, he will inquire as to the reason for the change, and if he find in it the continued and uniform operation on all taxpayers as the law has prescribed it, he will make no change; but, if he become convinced that it originates from an evil unwillingly tolerated, and that in the collection there is not observed

³ The terms employed in this list are not susceptible of being adequately translated in a form sufficiently brief for inclusion in the text: so the Spanish was allowed to stand as in the document. As this article is concerned with the intendency as an institution and not with the taxation system of Cuba, no elaborate study of these forms of taxes seems necessary. These taxes were analyzed in R. de la Sagra, *Historia económica y estadístico-política de la isla de Cuba*, pp. 224-270. Many of them may be found explained in Priestley, *José de Gálvez*, Ch. x, pp. 312 ff. Consult also the great work of F. Fonseca and C. de Urrutia, *Historia general de real hacienda*, 6 vols., (1845-1853).

Almojarifazgo: An import and export tax; *Almirantazgo*: import tax originally levied to support admiral and navy; *Armada*: tax on importations to support West Indian fleet; *Comisos*: fines on contraband articles and goods not in ship's register; *Alcabala*: tax on sales of commodities and real estate; *estanco de naipes, gallos, tabacos, sal, papel sellado*: these were government monopolies and referred respectively to taxes on sale of playing cards, cockfighting, and sale of tobacco, salt, and stamped paper required for use in legal transactions; *oficios vendibles*: revenue from sale of non-judicial offices; *vacantes*: income from church offices which went to the Crown in case of vacancies; *penas de Camara*: court fines; *derechos de esclavos* and *indulto de negros* were both taxes on slaves with the first being the head tax payable on importation, and the latter an extra tax charged in case the negro was smuggled into the island; *Novenos*: the part of the tithes that went to the crown; *media annata*: tax on incomes during first year of incumbency, amounting to one-half of the salary at times; *Venta de tierras*: there were several taxes on sale of land, whether private or crown lands; *Sisa de Galeota* and *Sisa de Muralla*: these ancient taxes were respectively levied on cattle to provide against piratical incursions and on wine and whiskey to maintain the Havana walls; there was another tax, the *Sisa de Zanja*, levied on cattle to provide for bringing drinking water to the city; *Títulos de Castilla*: there were several taxes levied on those securing titles of nobility.

equality because there are granted rebates to some and denied to others, in this case he will order that the taxes be collected in strict accord with the law establishing that division.

4. He will ascertain by whom and under what regulations each division is administered; and, if he find that the persons charged with it have fulfilled their duty with zeal, purity, and integrity, he will authorize them to continue; but, if he find and prove that they have failed in the performance of their duties and in the trust that is reposed in their persons in important affairs, with detriment to my *real Herario* (*sic*), not only will he remove them from their offices and install others in their places who will serve me with all zeal and legality, but against them he will draw up decrees proceeding to impose the punishments which are appropriate according to law.

5. If he find the regulations and instructions under which each branch is governed and operated are adaptable to its best administration, government, and security, and to the correct *cuenta y razón*⁴ which must come from it, he will order that they be observed inviolably; but, if he becomes convinced that they are not the rules best suited to secure that end, he will frame others to cover the administration which thereafter must be observed, so that there may be assured the collection of rightful taxes, that frauds may be guarded against, and that the *cuenta y razón*, which is necessary in order that every malversation be avoided, may be drawn up.

6. He will examine closely the clerks that are appointed for the administration and auditing of each branch and, if there be only those as are indispensable, he will make no change; but, if he see that their number is excessive or that there are some who should be relieved, he will retain only those who are necessary in order that it may be well named, suppressing the places and offices of those not required; and, if the latter have discharged their duties satisfactorily, he will keep in mind their merit in order to appoint them to other offices where there is need and where they may be useful to my royal service.

7. He will examine the income of each branch and will see if it is in accord with the character of the impost. If it should be so, he will make no change; but, if it should not equal the estimate, he will investigate the deficit and will take the measures that are proper to give the revenue all the increase that may be possible, whether by government administration or by leasing it.

8. He will inform himself, in detail, concerning the expenses which each division incurs and if there are undue burdens. If he find them justifiable, he will allow them to continue; but, if they be excessive, he will reduce them to the minimum and will cut off whatever unjustified burden the revenues may bear.

9. He will inform himself as to the current funds which in each branch pertain to my *real hacienda* to see if they have been placed

⁴ The explanation of the term *cuenta y razón* made in the text of the article, *ut supra*, is sustained by Zamora, *Biblioteca*, II, 592-595.

in the *arcas* with the proper punctuality, and he will order that all that may be in arrears be placed in them without delay.

10. If any Administrators, or other subordinates who may have handled my revenues and funds, have not submitted the reports of their offices, he will order that they execute them promptly, with every justification, commanding that the balances that may be acknowledged by them be placed immediately in the *cajas*, and, the reports received and examined, he order the same with whatever other balance that may develop.

11. With the knowledge that he acquires of the character of each branch and what it can produce, he will form a judgment as to whether it is best to lease or to administer it. If he considers the system of leasing more useful, he will formulate the conditions under which the concession must be made, designing them to facilitate the complete collection of the branch, but with the idea of preventing all extortion, excess, and violence, which in no case must be permitted, under pain of punishment with all rigor,—since the lessee [farmer or concessionaire] in his contract must have nothing to do other than to signify the price that must be paid according to terms that are to be general; and whenever in this way the price may be adjusted according to the character and just income of the branch, he [the *Intendente*] will admit the bids that are made to him, will publish them, will auction them, and will award the lease to the highest bidder; and always he will take care that the lessee fulfil the terms of his contract, with the punctual payment of the rental at the times agreed upon. If he find government administration best, he will name the persons necessary for it and will take care that each one discharge his duty with the exactitude, honesty, and disinterestedness that are proper. It is understood that in the power of granting leases that I concede to the Intendant are not included the import and export customs, or any branch of them, since I wish that these always be administered by the government to the account of my *real hacienda*.

12. In each revenue or branch that is administered, he must frame a set of rules (*reglamento*) for the guidance of the persons who are indispensable, for the good administration, the *cuenta y razón*, and the conservation, such as according to the nature of the revenue may be most suitable for the prevention in so far as possible of all fraud, it being understood that he must impose on the customs collectors the necessary obligation that they look after all the revenues indiscriminately. He will indicate to all those salaries which he considers proportioned to the character, circumstances, and responsibility of the employees so that they have enough to live, but so that they burden the revenues the least possible, since he must be solicitous of the greatest economy. Although the persons he may name must begin to serve their respective offices in consequence of his *reglamentos*, I desire that he send me these same regulations in order that, finding them conformable, I may give them my royal approbation.

13. In addition to the local administrators (*administradores particulares*) of each revenue or branch, he shall appoint a general administrator, who must take charge of the revenues collected in the city of Havana, who must keep in correspondence with all the other administrators of the island, and watch over the discharge of the duties of each one and of all the other subordinates in the manner that will be provided when his obligations are stated.

14. Also there must be established a *Contaduría general* (general board of auditing) for the *cuenta y razón* of all the branches of my *real hacienda* and for those of the war department, artillery, and fortifications, and he will name as *contador* one of my *oficiales reales*,⁵ whom he considers most apt and fitted for the performance of the duties of the office, giving me the report for approval. All that enters into the *Cargo y Data*⁶ with the corresponding justification, being due to be validated by the *contaduría*, the method that is to be observed will be noticed in the proper place.

15. Likewise there must be established a Treasurer General to receive all the funds that belong to my *real hacienda* and to pay all the obligations against it, and for this office he will name another of my *oficiales reales* of entire purity and integrity, giving me report of the one chosen for approval. Having under his charge the receiving and distributing of the funds of my *real hacienda*, he will be governed in this according to the instruction that will be given to him.

16. In what relates to the new means I have ordered established to collect in Havana and in all the island of Cuba the *alcabala*, reduced to four per cent, the three per cent for the *Casas*, *Censos*, and *posesiones*, and the impost on whiskey *de caña* and *zambumbia*, the Intendant will govern himself according to the particular instruction which I held as proper to give concerning the matter, understanding that the several duties which are prescribed in it upon the Governor are transferred to the Intendant.

17. In order that the administration and collection of all and whatever branches of the revenue that belong to me in Havana and all the island of Cuba may have the increase that may be possible according to the nature of them, and that frauds and malversations may be avoided, I desire that the Intendant hold weekly at his house a *junta* (conference) composed of the *contador general*, *tesorero general*, and the *administradores generales* and in it there must be given a report to the Intendant of the state of the collections of all and every one of the revenues—as well respecting those under the

⁵ The "royal officials" or *oficiales reales* were the early officials appointed for the administrative control of fiscal matters. Their duties are briefly outlined in A. S. Aiton "Real Hacienda in New Spain under the First Viceroy," (*The Hispanic American Historical Review*, Vol. VI, No. 4, Nov. 1926).

⁶ The terms *Cargo* and *Data* are to be given technical meaning. They are explained in Canga Argüelles, *Diccionario*, II, 44, 236. They might be rendered as "officially approved entries" and "officially authorized expenditures" of funds. An item admitted to "cargo" or "data" meant that it had been investigated by the proper authorities and found to be correct and conformable to law.

management of the general administrators as under the local collectors,—and if the funds have been placed in the *arcas* having three keys, which must be established as will be prescribed; secondly, a report must be rendered concerning the unpaid accounts they may find, with distinction of each one, the reason that causes it,—on which an agreement must be reached at the same time as to the effective measures to collect them; thirdly, if the revenues are administered, whether or not there is collection of the legitimate taxes that belong to me, without injustice to the subject; fourthly, if among the subordinates there are the intelligence, legality, and purity that are suitable and if all of them fulfil the duties of their offices; in the fifth place, if there are subordinates who, according to the state of the revenues, are not necessary for the good auditing, administration, and security of them; or if it is serviceable to add any,—following the rule of practice that I desire to maintain only those who are indispensable and that those be skillful in the discharge of the duties that are assigned; in the sixth, if there are any taxes illegally collected from the crown; and in the seventh, if the lessees of branches of the *real hacienda* make their payments punctually at the stipulated times.

18. Respecting the seven matters that must be considered in each of the weekly *juntas*, the Intendant will take the measures which he thinks conducive to the best government of the revenues, security of my *real hacienda*, and the avoidance of every injury to it; and concerning all he will submit to me a report, on such occasions as occur for rendering it, dealing with what he considers most advantageous for my royal service, and at the same time he will send reports of each one of the revenues, in which he may show their current proceeds and what previously they produced, so that a comparison made it may be seen whether they have an increase or decrease with the new order and method established.

19. In the Treasury General, which must be established in Havana, the *arcas* must be opened every month, at which time the Intendant is required to be present, and having the *plan* (*sic*) which the *contador* should carry and the *libro* (book) of entries and disbursements, he will assure himself if the fund is intact that should be there.

20. The Intendant must take care that the administrators, general and local, submit their reports at the precise time he signifies to them, and with the formalities that are prescribed.

21. In the weekly *juntas*, he will order the general administrators to bring reports of the incomes—those from the branches they administer as well as those under the charge of the local administrators, and he will examine them in detail in order to see if they are on the increase or the decline, if the expenses are legitimate, superfluous, or supposititious, and if in the administration of each revenue there is the control and economy that are proper.

22. It being my royal will that the Intendant have complete exercise of the *jurisdicción contenciosa* in all the customs cases and

in all the others in which directly my *real hacienda* may have a justified interest, he will exercise it in all the cases of this nature; and, if for it he need aid, I order the Governor to give him all that he asks and needs in order to fulfil his obligation conformable to my royal intention.

23. In order that he may exercise this jurisdiction in complete accord with the dispositions of the law and the royal determinations, and without the least injury to my *real hacienda*, nor to the subjects, the Intendant will associate with himself (*se asesoraré*) a lawyer of the best training, judicious, upright, and of accredited conduct, with whose opinion he is to secure the most righteous administration of justice.⁷

24. In the cases involving frauds and smuggling, the Intendant will govern himself according to the Instruction which I saw fit to issue July 22, 1761, deciding them in the briefest time possible and imposing on the criminals the penalties established in it, since the prompt punishment of offences is the most efficacious way of preventing crimes.

25. I desire the Intendant to be President of the *Tribunal de la Contaduría Mayor de Cuentas*⁸ established in Havana; and, as it is not just in case persons feel themselves wronged by the decisions of the Intendant not to have the consolation of appealing from them and of improving their state in the second trial without the necessity of carrying the case to the courts of Spain, it is my royal will that if any wish to make use of the remedy of appeal from the decisions of the Intendant they carry it to the *Tribunal de la Contaduría Mayor de Cuentas*; and, for those cases, I order that the *Auditor de Guerra* and another lawyer of satisfaction, whom the Governor shall name, join with the *Asesor* of the Intendant and that the Court, in accordance with the opinion of these three persons, decide the case on appeal, its decision to be final.

26. I desire also that the Intendant take cognizance of all the civil and criminal cases involving customs officers, provided always that these cases proceed from or because of their offices; but, in what relates to ordinary crimes, *juicios universales*,⁹ private affairs and relations, they must be subject to the jurisdiction of the ordinary courts,—although they will not be made prisoners by such courts

⁷ The *Asesor* or deputy of the intendant in judicial matters was not a regularly appointed official of the intendency until 1774, when by royal order of Feb. 24, he was made such and given a specific salary. This office remained as long as the *juzgada* of the intendency survived. When that jurisdiction was suppressed in 1855, there was created a *Juez de Hacienda*, independent of the intendants. Cf. García y Gragitena, *Guía del empleado de hacienda*, p. 43. The office of *Fiscal de Hacienda* or prosecuting attorney, frequently mentioned in the text, was created in 1751. See comment on this office in Zamora, *Biblioteca*, III, 278 ff., and in García y Gragitena, p. 45.

⁸ For the *contaduría*, consult Canga Argüelles, *Diccionario*, II, 187 ff. See also García y Gragitena, *op. cit.*, 53-59, and Zamora, *Biblioteca*, II, 486 ff.

⁹ *Juicios Universales* is a term which has reference to various kinds of judgments concerning property.

without notice being given to their immediate chiefs so that these officers may place on duty a substitute, to the end that my royal service may not suffer.

27. The Intendant will not allow any municipal or local office to be imposed on those employed in the administration and conservation of the revenues, in order that it may not occupy nor distract them in the performance of their duties and in order that they may give punctual attendance on them; but this exemption is not to be extended to the tributes and royal taxes they incur by reason of their consumption, farms, trades or profits that they have outside of their salaries; for these officers must not only pay them, but they must be the first to do so—because as the more fortunate they ought to set an example to the rest; and the same obligation is understood for the Intendant, as he ought not in this respect to enjoy the slightest privilege.

28. The Agency of Tobacco (*Factoría de los Tabacos*) is governed and instructions and rules have been given which must be observed in it, and I order that in this particular no change be made and that the Governor continue the jurisdiction which until now he has had over it. I desire only that at the weekly *juntas*—which the Governor must hold with the Factor, the *Interventor*, *Contador* and Treasurer, designed to take the measures they consider most useful for the advantage of the sowings, cultivation, and benefit of the tobacco crop, and the purchase of what is harvested at prices agreed upon with the deputies of the districts of the island—the Intendant also attend, occupying the seat that belongs to him next to the Governor; but that in them he must not take other action than to express as to the affairs discussed what he regards as most useful and suitable to the best service and economy of the *real hacienda*, to which end he will cast his vote.

29. If the Intendant, on account of the area of the island, find it expedient to subdelegate the control of the revenues which I concede to him, he will be able to do it in the districts (*partidos*) he considers useful, in order that by this method the administrators may receive more promptly the orders they need for the best government of the revenues and likewise the subjects on whom he administers justice in everything relating to the customs. Especially is he to adopt this plan in Cuba (Santiago de Cuba) and in the other cities of the island, where there may be *cajas reales*, appointing the respective lieutenant governors,¹⁰ so that his subdelegates can every month draw warrants on these treasuries covering obligations of a legally specified character, but of no other kind—extraordinary expenditure of whatever kind must only be made on order of the Intendant.

30. Notwithstanding the powers and jurisdiction that I concede to the Intendant, I desire that he exercise them with proper discretion and maturity, observing in all the most perfect agree-

¹⁰ In *real orden* of August 30, 1777, the right was given to the intendants to choose others than the *tenientes* of the Captain-General as *subdelegados*.

ment and harmony with the Governor, whom he must respect and obey as the chief officer (*principal gefe*) of the island and commandant general of it, and ask him in writing for all the aid he needs fully to discharge his duty; and, reciprocally, I command the Governor to distinguish and honor the Intendant as head of my *real hacienda*, sustaining all his orders, giving him the aid he requests, and proceeding in such accord that the dispositions of the one and the other attest the uniformity with which they act, without other object or desire than of assuring that my royal service is benefited, supporting one another mutually to accomplish it.

31. To preserve this very harmony, it is my royal will that always when the Governor may consider as necessary some extraordinary expenditure, of whatever nature it may be, he notify the Intendant of it in writing in order that he may give the proper orders for its execution, which the Intendant will do, not finding any thing improper in it. If the Intendant, notwithstanding, find that some one or more of the expenditures could be avoided, he will protest with all respect and urbanity to the Governor, expressing in detail and with clarity a first and a second time the reasons he may have for asking that the money be not spent; but, if notwithstanding, the Governor insist that it is necessary to do it, the Intendant will yield and will represent to me the grounds he had for opposing, so that I, aided by his view of the matter, take the course I find fitting for my royal service.

32. The Intendant, being obligated likewise to look after the finances in all that relates to the war department, will observe the most vigilant care in the punctual dispatch of its affairs—that being reduced principally to two points which consist in delivering in money the soldiers' pay and in the maintenance of supplies.

33. In what relates to the first point, he will order that the daily pay (*prest*) be issued to the troops every fifteen days, or by the month at the latest, and the pay of the officers by the month.

34. On the basis of the inspection reports concerning the military units, he will order that the *contador* form monthly his settlements and for the amounts these units are to receive as pay—for the officers and for the soldiers, the proper discounts having been made he draw his warrants, which the Intendant must sign and the *contador* endorse, on which and on receipt from the *Habilitado*, the sergeant major or adjutant, the treasurer in his turn legitimately will make the payment.

35. He will try to avoid issuing drafts for the pay of the troops on the funds of the revenues, endeavoring always that they be on the treasurer so that they be paid more promptly and in order to prevent the excesses which can be caused by the contrary practice; but, if circumstances and accidents that may arise oblige him sometimes to draw on the proceeds of the revenues, he will do it, drawing the warrant, always with the endorsement of the *contaduría*, against the treasurer, who will give the proper acknowledgment (*carta de pago*) as if actually the sum had left the *arcas*.

36. If at any time the funds should not cover the whole amount of the pay of the troops, he will order that the emergency be met by giving preference to the payment of the *prest* and then that the sum that remains for the pay of the officers be distributed among the units equally and in proportion so that there should be no complaint and that all suffer the same arrears.

37. In what relates to the second point, that of the provision of food supplies, he will endeavor to assure it by means of just and proper contracts, governing the conditions and obligations of the contractors, so that they have nothing more to do than to put a price on the supplies, which being acceptable according to the market, he will receive their offers at auction and award the contract to the lowest bidder,—demanding proper securities for fulfilment; but he must include among the terms that the contractors should provide repositories at each camping place so as not to expose the troops to the least chance of lacking supplies, although in view of the military system of the country there rarely can occur such a misfortune.

38. Once the supplies enter the warehouses, although as their property they be at the disposition of the contractors, he will not permit any part of them to be withdrawn without his orders, which he must give with knowledge and information as to the reasons for the desire to remove them.

39. The contractors must make their distributions subject to the orders of the Intendant. They can not deliver supplies except by virtue of receipts from special officers of the military bodies,—the sergeant majors, the adjutants, and the commandants of detachments. Above all, the Intendant will see to it that there are no transactions nor profit-sharing between officers and contractors, punishing such crimes according as the cases and circumstances demand.

40. If during any march the troops consume foodstuffs of the country, the Intendant will order the contractor to collect receipts and pay the cost at the prices current at the camping place where they are taken, forming the required report.

41. When the contractor or his agents shall not have provided supplies of good quality, the Intendant will order that the warehouses be visited by an inspector (*comisario de guerra*) or some other official satisfactory to him, and further that the foodstuffs that are not of good quality be excluded from consumption, taking for this purpose the effective measures he may deem proper. If the necessity for replacement in order to maintain the food supply demand it, he will order, on the account of the contractor, that supplies of the best grade be purchased promptly in quantities necessary.

42. The Intendant will regulate the division of transports for the movement and delivery of supplies so that there may not be caused any injury to the people nor delay to the carriers, to whom

he will order the contractor to pay punctually the costs, which the Intendant himself must determine according to camping places, times and circumstances.

43. If the provision of supplies, by lack of contractors, should be administered directly against my *real hacienda*, the Intendant will name for its direction and management able and disinterested persons, experienced in the economical control of it, and will draft according to the number of troops the requisition for the food supplies needed for their subsistence, and conformable to it he will issue the proper orders for purchasing and assuring them, so that in no case may there be experienced the least scarcity.

44. He will establish the warehouses and repositories that may be needed and will issue rules respecting use and economy that he may consider fitting in order that in the distribution of supplies there may be no malversations, and he will do the same for the bakeries which on his order may be provided for the repositories that are necessary, giving the form and method for the clearest *cuenta y razón* as to consumption, distribution, and expenses, so that the whole of them, their nature and circumstances, may always be evident.

45. If the people, during the period of government control, supply any of the provisions to the army, the Intendant will order that the cost price be paid them promptly at the current rates, without allowing any trouble to arise for them on account of it, and he will do the same for what he regards as the price of transport—which he shall regulate in order that every one may know what he has to collect.

46. He must observe the same rules in what he does for the provision of subsistence for the cavalry, whether by government control or by leasing the service, watching that no unit take more rations than belongs to it according to the inspection reports of the *comisarios*: and, if it is done, let him charge the costs to the unit, apportioning one fourth to the colonel or commander, an equal amount to the sergeant, and the rest to the other officials in proportion to their salaries.

47. If it shall be necessary to supply firewood to the troops, the Intendant will order that it be done according to the number who shall actually be present in service.

48. In case the troops on marches or in camps cause any damage to people, the Intendant will order that they be reimbursed for it by the same military units in the manner that I have provided in the instruction for the *Intendentes de Ejército* of Castile, according to which he will be governed also in the cases in which they may have taken more supplies than necessary to recompense my *real hacienda* for the excess.

49. The Intendant will order that inspection reports concerning the military units and detachments be submitted monthly, and likewise the report of the general staff, for which he will distribute the *comisarios de guerra* as may be necessary; and, if he have not as

many inspectors as are needed, he will qualify for such inspections the officials of the *contadurías* or other members of the ministry as he may consider convenient, but without more salary than they enjoy in their offices.

50. It being expedient for my royal service that there be a sufficient number of *comisarios* (inspectors) to make the inspections and perform the other functions they must accomplish, the Intendant will nominate to me from the officials and members of the ministry and other persons the ones he may consider the most apt and worthy that I may appoint them *comisarios de guerra*—in order that I can grant them this honor with knowledge of their conduct and circumstances.

51. The inspection reports being the principal means of legitimizing the payments to be made of the *prest* of the soldiers and the others to the war department, the Intendant will watch carefully after the exactitude and formality with which the *comisarios* must proceed—that they make the inspection reports by regimental register, that they explain in their reports with all clarity which soldiers should be considered as present and which absent without leaving doubt to occasion confusion at the time of settlements, that they avoid on the one hand any scaling downward of what rightly belongs to the army and on the other any improper charge on my *real hacienda*; and, in order that it be done with the greatest exactitude, it will be the duty of the Intendant to take cognizance of the inspection reports and to correct in them what shall not be in conformity with the generally established rules.

52. Being under the charge of the Intendant the finances and police of the army and such matter as belong to the war department, the *comisarios ordenadores* and *ordinarios*, the auditors and clerks of the supply division, and of the hospitals must be immediately under his orders, to whom he must give rules and regulations which each one must observe in the punctual performance of his duties.¹¹

53. The *contralores*, *mayordomos*, *guarda almacenes*, *comisarios*, and the other subordinates of the artillery must likewise be subject to the orders of the Intendant, and no expenditure must be made unless by virtue of his orders, accompanied by the required endorsement of the *contaduría*.

54. It will be the duty of the Intendant to provide promptly all the supplies for the artillery and munitions of its service—powder, wood, instruments, and all the rest that is needed according to notices that the Governor may give him; but all such must remain in the respective storehouses, each article to have entry in formal inventory, for which an entry against the *guarda almacenes* must be made in the *contaduría*; [and nothing shall be withdrawn from the storehouses without the Intendant's express order, by virtue of which and of the receipt of the person, who is appointed to receive it, the *guarda almacenes* will be discharged of responsibility; but at

¹¹ In the copy published by Zamora (*Biblioteca*, III, 604) Arts. 51 and 52 are combined as number 51.

the same time, the *contador* will enter charge against the person to whom it is delivered and it will be sustained until he delivers it. And a copy of the effects (*enseres*) that are in each warehouse will be given to the Governor and another to the commandant of the artillery so that they may always have information of what is on deposit.]¹²

55. The Intendant will take particular care that there be in the hospitals the proper cleanliness and neatness and that they be provided with whatever is needed in order that the sick may be cared for as is my royal will, that they lack for nothing, that they do not fail to be supplied with medicines and foods as the condition and state of each demand,—and in this that there be not the least fraud, whether it is by the system of leasing or by administration.

56. In order that there should be the greatest possible economy in the expenses of fortifications, which I have ordered constructed in Havana, and in the other works which may be indispensable for the island, I desire no expense, whatever its character may be, to be incurred in which the Intendant does not intervene, and finding it justified, orders a warrant on the treasurer, with the endorsement of the *contador*.

57. The engineer in control of the fortification works must give the Intendant a detailed list of the implements and tools needed for the project, so that, in time, he may have them made at the least possible cost.

58. As soon as the Intendant has all the implements and tools, he will, with the endorsement of the *contaduría*, draw a warrant for the cost price against the treasurer and will order the articles placed in charge of a *guarda almacén*, who will not surrender any of them without order from the Intendant. This order he will give when the engineer notifies him that the articles are needed, appointing and nominating the *capataz de cuadrilla* or *brigada* to receive them, and the warehouseman will take the proper receipt for what he yields.

59. Whenever any tools become defective or any implements wear out, and it may be necessary to replace one or the other, the engineer will submit a list of the pieces that must be replaced, specifying those that are not serviceable or those that are worn out, in order that in his turn the Intendant may give the proper order that others be delivered, collecting those that have become useless, for the release of the *guarda almacén* from responsibility.

60. The Intendant must have at hand the report of the tools and other articles stored in the warehouse and must give notice respecting them to the engineer of the work in order that the latter may inform himself if it is necessary to increase the supply and that the former can do it in time.

61. The Intendant will appoint overseers (*sobrestantes*), as may be necessary, to carry lists of all the workmen, entering them after inspection by full name, in which they will note the daily wage each

¹² The part enclosed in brackets appears in Zamora (*op. cit.*, 604), but not in the Sevilla document.

one receives in order for it to be made the basis of pay at the end of the week according to the report which for this purpose the *contaduría* frames for each quadrille or brigade, using the certified lists of the *sobrestantes*.

62. The Intendant will take care that more laborers are not entered in the lists than the actual number of workers present; and, in order to prevent the fraud which in this matter may occur, he will make inspections, as he thinks proper, of one, two or more quadrilles, asking for the day lists from the *sobrestante*. In this way and on account of the uncertainty of the day and hour the Intendant may make the inspection, he will keep the *sobrestantes* in the greatest vigilance, he will be able to punish those who fail in their duty, and will assure the payment to be legitimate.

63. The engineer will submit weekly a certified report of the quadrilles which have been employed in the work, the workmen he may actually have had, and the wages and salaries they have deserved,—in order that, compared with the lists of the *sobrestantes*, their pay may be assured.

64. Although the Intendant must not intermeddle in anything that relates to the works, that must be constructed,—neither in the character nor the extent of them—he must have original jurisdiction of all the contracts that are made respecting job-work, construction of any part of a definite work, agreements about every kind of material, conveyance, and the preparation of materials whenever considered suitable to my royal service. In accord with the engineer of the work, the Intendant will receive the bids that are made, will provide for the *expedientes* to verify the utility of the work, will publish the bids and will award the contract to the best bidder.

65. On the fulfillment of terms by the contractors in the works or jobs awarded them, and in the conveyance or preparation of materials as called for in their obligation, the sum due them being confirmed by the *contaduría*, a warrant against the treasurer will be drawn for them by the Intendant.

66. There must not be made any expenditure in the work, no matter of what kind, without notice to the Intendant, who whenever he considers it justified and indispensable, will order it made; and in all it must be done so that it is evident in the *contaduría* how much is spent, and so that with its endorsement the funds be paid that are expended for it.

67. Concerning whatever other expenditures the Governor may order made, the Intendant must make representations two times; and, if notwithstanding the former insist, the Intendant will order them made, in the form and circumstances provided.

68. The Intendant will order that the *contaduría* keep the *cuenta y razón* against the treasurer for all funds that enter or leave his possession, that it do the same with respect to the *guarda almacén*—of the implements and tools that may be delivered to him and those he may be ordered to issue—that the one and the other at the end

of each year present reports of their offices, while he will order examined and "glossed" by the *contador* and, no error being found in them, he will approve them.

69. The Intendant, acting with the *Contador General* and the *Tesorero General*, will frame a list of the officials there should be in the *contaduría general* and the *tesorería general*, and in the pay-stations and *contadurías* of the provinces, with the salaries that each one is to enjoy; and, for these offices, he will propose to me from among the persons at present employed and from among those who may have fulfilled their duties completely—proceeding on the supposition that all must be able and gifted to perform the functions of their respective offices to which they may be appointed. In the *contaduría general* their number must not exceed six; in the *tesorería general*, four. This list, the Intendant will mail to me with the regulations he frames for those who are to be employed in the administration of each revenue, in order that finding them regular, I give my royal approval.

DUTIES OF THE CUSTOMS COLLECTORS—GENERAL AND LOCAL

70. The *Administradores generales* will carefully watch over the subordinates who are under their orders—that they fulfill their respective obligations; that they collect indiscriminately all the revenues; that all the lawful taxes that belong to my *real hacienda* be collected without injury to the subject, but avoiding the voluntary favors that many used to dispense (*dispensaban*). They will order that the *fieles* note in books which they must deliver in folios and sign with *rúbrica* all the accounts of debtors, with clearness and complete distinction of each case. Of whatever may occur, they must give a report to the Intendant.¹³

71. The general administrator of the customs house must necessarily be in it morning and afternoon during the hours that shall be specified for the movement of commerce, and nothing shall be done without his presence. At the same time he must watch the way in which each one of his subordinates performs his duty and not allow any of them to connive or have intimacies with the merchants, nor that such officers traffic or trade for themselves—on account of the injury which from such tolerance may be inflicted upon my *real hacienda*.

72. In order that the tariffs that are due on all goods, fruits, and effects, carried to Havana and the island of Cuba from Spain or other parts of my dominions, be collected as the law demands, stopping all fraudulent entry, the administrator general of the customs will order the captains and ship masters, whether they be of war-ships—not excepting the admiral's ship—or of commerce, to deliver to him the registry of what they bring, and that without the slightest distinction he place on them sufficient guards in order that he may

¹³ Zamora (*op. cit.* I, 39-41) prints the instruction for the *administradores generales*.

not permit the landing of any goods or effects not included in the register and in order that the goods landed pass in directly to the customs house for the collection of the rightful and established dues—with the understanding that all that is not registered must be taken as contraband (*por de comiso*). He shall have authority to visit all these ships on arrival, after the discharge of cargoes, and whenever he considers it expedient, without the least difference although they may be warships or mercantile craft—as has already been mentioned.

73. No vessel shall be permitted to leave to unload or for any other purpose without the permission of the administrator, who must indicate where they are to go and where they must return in order to register easily and avoid the fraud they could commit.

74. On the vessels which touch in transit at Havana or at other ports of the island, whether warships or mercantile, he will place guards aboard during their stay to prevent the landing of any goods unless shipped to the island; and, if there shall be any part of the cargo for Cuba, that there may not be landed more than the register provides.

75. The general administrators will endeavor to arrange that the guards may not have permanent residence at any of the ports, toll gates, outlooks, or posts to which they are assigned, changing them frequently, without observing an order of alternation, so that they may never know the place to which they must go as collector until the time at which he orders them to proceed to it.

76. The chief guards and lieutenants, they will order to keep watch continuously over all the others in order that each one may do his duty, and any one who may fail in it will be suspended immediately.

77. They will give orders to the patrol (*rondas volantes*) to be in constant movement, to prevent frauds that may be attempted and to cut off the smugglers, giving it for this purpose the appropriate orders concerning stopping places and regions it must guard and informing it of whatever suspicion they have, so that the patrol can take precautions to impede every fraudulent entry.

78. If the administrator general consider it expedient to reinforce the patrol with any troops in order better to assure the service, he will report it to the Intendant in order that the latter may request it of the Governor.

79. They will order all the *fieles administradores*, of whatever revenue, to carry every week to the *contaduría* their books in order to have indicated the correct amount of the proceeds from the taxes that each one respectively may have collected during the week from the branch or branches under their care, and that the fund be placed in the possession of the treasurer general, from which each one will obtain the proper receipt (*carta de pago*), endorsed by the *contador*.

80. There must be established *arcas*, having three keys, in all the administrations—general and local—of the island, where every week they shall enter the funds which the revenues produce, in the

presence of the *contador*, treasurer general, and administrator; and, due to the fact that each one of the three must have his key, they will be equally responsible for whatever loss may be experienced in the fund that must be found in the chests.

81. These *arcas* will be in the *administración general*, and there must not be withdrawn from them any sum without the presence of the three possessors of keys; and monthly they must be investigated by the Intendant in order to assure himself that the funds are in them that should actually be there according to report and the book of entries and disbursements. At the same time, he will order that the fund from the revenues found there be delivered to the *tesorería general* to be appropriated to the purposes for which it may be appointed.

82. In the local administrations, or *partidos*, will be observed the same precaution, placing also *arcas* where funds enter; and, in that generally it will be practicable for the treasuries to be united to the administrations on account of the small deposits, the administrator will have one key and the official *contador* the other, both being responsible for the proceeds of the revenues, because funds must not be deposited nor withdrawn without the presence of the two; and the administrator general will order that the local administrators place monthly all the proceeds of the revenues in the nearest *cajas reales* (chief depositories), collecting from the representative of the *tesorero general* the appropriate *carta de pago*, which he must give as received from his chief, stating in it the name of the local administrator from whom he received the money and the revenues which produced it.

83. The local administrators will send these *cartas de pago* to the general ones in order that, being presented to the treasurer general, he may in his turn execute the formal *carta de pago*, endorsed by the *contaduría* in favor of the local administrator so that it serve him as *data* for his report.

84. The local administrators will submit to their chiefs monthly statements certified by the official *contador* of the proceeds of the revenues under their care, with distinction of each one, and in them it must be stated whether the funds remain in the *arcas* or have been delivered to the agent of the treasurer general.

85. At the end of the year, the local administrators will draft their report, with the required justification of all that the revenues and branches have produced up to the end of December, and toward the last of the following January or the beginning of February they must have it in order and forwarded to the administrator general.

86. In this report, charge must be made against the local administrator of all the proceeds, notwithstanding the fact that on account of the character of the revenues none may have been collected; and he will enter as *data* only the salaries according to regulation, indispensable expenses of the administration, which the intendant must approve if regular, *cartas de pago* from the *tesorero general*, and the uncollected dues, of which report has been made, including ex-

planation of the debtors and the times from which the debts date. Afterwards, he will frame another report, which must be an amplification of the first, giving account of all the uncollected debts and offering for *data* actual payments to the treasury general; and this report he must deliver to the administrator general at the end of May or the first of April (*sic*) of each year.

87. The administrator general must include in his report all those of the local administrators with complete distinction and clarity, and during all the month of May he must have it in order and presented to the *contaduría general* for its receipt, settlement and glossing; and the amplified report, including also that of the local administrators every June.

DUTIES OF THE CONTADOR GENERAL¹⁴

88. In the first place, he will take account of this instruction, keeping a copy among his books that it make evident to him distinctly the powers and rule of practice of the Intendant and the others included in it, and he must do the same as to the instruction which I saw fit to send on March 23 of this year respecting the imposition of the *alcabala*, the three per cent of the current revenues of *las casas*, and *censos* and *posesiones*, and the *arbitrio* of two *pesos* per barrel of whiskey, and a *real* of silver on that of *zambumbia*, and with all the orders that I have considered it proper to send on this matter. Likewise, he must set up and have personal knowledge of his books covering all the branches, revenues, or taxes that in whatever way pertain to my *real hacienda*, in order that at no time they be hidden and that he can make report concerning them to the administrators, in case they have not included them in their reports on account of forgetfulness or malice.

89. In the same way, he must take account of the leasing of revenues, which the Intendant may make, of the regulations which he may set up for the administration of branches that are governed subject to my *real hacienda*, of the orders and dispositions he may announce for its better management, and of all that may operate to instruct his office concerning the whole direction of the revenues.

90. It will be the duty of the *contador* to audit, separately and clearly, all the funds which the administrators, general and local, deposit with the treasurer general, of whatever revenue, branch, or effect, naming and distinguishing each one, and to record all the *cartas de pago* which the treasurer general may give, for lacking this indispensable evidence he will exclude them from the *data* of the administrators, general and local.

91. The revenue funds must be placed every month in the *arca* of three keys, as was provided in the instruction for the administrators general and local, and at the end of the month they must be delivered to the treasury general, which disposition, the *contador* will have under his particular care, so that it be done without the

¹⁴ Zamora (*op. cit.*, II, 450-452) prints the instruction for the *contador general*.

least fraud, since he will be responsible, as he will also be for the fund which may be lacking during the month because of not having been placed in the *arcas* weekly in the manner provided.

92. He must receive, gloss, and settle annually the reports from all the branches of my *real hacienda*, which the general administrators will submit to him, and he will take particular care that there be not omitted from them any lawful *cargo* of each one, verifying by the books of the *fieles* or by the records which the subordinates have kept, in whose charge the collection of the taxes may have been. He will not admit to *data* any item nor any sum unless it be of actual delivery to the possession of the treasurer-general, certified by *cartas de pago* properly endorsed, salaries according to the regulations of each revenue, regular and necessary expenses of administration approved by the Intendant.

93. If in the "credit or debit" (*cargo* or *data*), there are presented to him any doubts or errors, he will expose them, framing a statement of them, and will deliver it to the administrator-general that he may satisfy them. If he can not do it to the *contador's* satisfaction, the latter will report it to the Intendant in order that concerning the doubt that remains he may determine what should be done—so that no reports may remain pending without resolution.

94. The reports, being acceptable, he will gloss, settle and deliver them to the Intendant, in order that he, finding no error in them, may order him to give to the administrator-general his quit-tance, with a statement of whatever result there may be found in them.

95. These reports, after being received, glossed, discharged, and the quit-tance given for them, the *contador* will deliver the originals, with all the papers of justification, to the *Tribunal de la Contaduría Mayor* in order that they be reviewed and deposited in the archives.

96. For the revenues that are leased, he will draw up the proper *cargo* against the lessees, and he will carry for them their *data*, which is to consist of cash deliveries made to the hand of the treasurer-general, verified by *cartas de pago*, which he may give them, endorsed by the *contador*; and he will take great care that they pay the price for the lease at the times stipulated.

97. If the contract or lease be for more than one year, the *contador* will report to the Intendant that the lessee has met the payments according to his obligation; and, always if he be solvent, the Intendant will send him the proper authorization to continue for the ensuing year in the free administration of the revenue or revenues, which his grant includes; but, if he be found with unpaid balance, he will be notified to pay it promptly, and not having done it by the beginning of the year, the Intendant will intervene to collect the revenue on the lessee's account and risk.

98. At the termination of the contract, the lessee must present his report to the *Tribunal de la Contaduría*, where he must be taken to give oath and signature—with the penalty of losing trebly if the truth be not told—and he must include in the *cargo* all the proceeds

that have come to him year by year, and in the *data* the price of the lease, the salaries he may have paid out, and the expenses of administration—in order in this way to come to a true knowledge of the worth of the lease that it serve as guide for successive leases and there be known the profits he has enjoyed. Finding the report regular, the lessee will be given his quittance.

99. If those who have managed the revenues or branches of my *real hacienda* shall have given no report, the Intendant will order that they do it and deliver it to the *contaduría general*; and the *contador* will receive them with every justification. If they come, however, confessing some unpaid balance, he will give notice to the Intendant in order that the latter, thereupon, may command them to pay it to the treasurer-general, collecting the required receipt. If after examining the reports there is found some other deficit, the *contador* will again inform the Intendant that it be paid and that, being done, the quittance be ordered to be issued; and these reports thus cleared, the *contador* will deliver them, with the papers of their justification, to the *Tribunal de la Contaduría Mayor* in order that they be reviewed and filed in the archives.

100. In what relates to the department of war, not the least expenditure must be made without the endorsement of the *contador*; and, in order that he may be guided in the payments and settlements according to my royal determinations, I desire that there be delivered to him the regulations and ordinances which I have considered it convenient to send concerning the body of troops I have resolved to have in Havana and the island of Cuba, their pay, service and discipline, and the orders that have been given for their establishment.

101. [I desire] likewise that all the contracts be delivered to him which the Intendants may make concerning the provision of food supplies, subsistence for the artillery, ammunition for its service, powder, wood, and other articles that are needed, tools and implements for the fortifications and whatever other agreement that is made respecting jobs or parts of works which may be considered beneficial to my royal service, together with all the orders and dispositions given from which arise any expense whatever, so that, informed of all, he can fulfill his duty in each part of the many which the military branch include and which must be under his care.

102. In consequence of the order which the Intendant must give every month for the general payment of the troops, the *contador* will frame the respective adjustments of pay of the regiments of infantry, cavalry, dragoons, artillery, or whatever isolated unit or company there may be according to the inspection reports which the *comisarios* turn in; and he will not include in them for any reason more soldiers than by these same inspection reports are declared present.

103. From what he decides to be the proper pay for any unit, the discounts ordered being made, he will draw the appropriate warrants on the treasurer-general in favor of the sergeants-major,

adjutants, or officials found to be authorized to receive them, which he will send to the Intendant for his signature; and, afterwards, he will record them, keeping a copy, and will deliver them to the interested parties for collection of the amounts.

104. Also, the *contador* will each month draw up and will keep a record of the warrant the Intendant may give in favor of the sutler providing food for the troops, according the settlement that he may make, and these drafts with the receipts of the sutler or the persons authorized to receive the money must serve as lawful *data* to the treasurer-general.

105. In all the rest of the work of auditing and accounting which the *contador* must perform for all the branches of war, artillery, and fortifications, he will be governed entirely by the instruction given to the *contadores de ejército* of Castile in 1718, of which for his information and guidance a copy is enclosed, and by what in each particular is provided for the Intendant in this instruction; and, if there arise any incident which is found not comprehended in one or the other, the whole affair being controlled so that there be the proper *cuenta y razón* to prevent every malversation against my *real hacienda*, the *contador*, in accord with the Intendant, will establish the rule that is most expedient in securing the end.

106. Respecting the subsidies, which annually are sent from Mexico for the subsistence of Havana and all the island of Cuba and for the fortifications which I have ordered constructed, and which must also enter into the possession of the treasurer-general, he will prepare their *cargo* and carry their record, keeping separate the appropriations, auditing the warrants issued for the respective purposes; and, if attempts are made to divert these funds to other ends, he will make representation to the Intendant, showing it to be an expenditure foreign to the purpose designated, in order that he latter may cancel the warrant; but, if the Intendant, notwithstanding, order him to endorse the warrant, he will do it and will inform me, stating the reasons that may be given for it, so that I, with his views before me, take the proper measures.

[There follow, 107 to 125, the instructions respecting the obligations and duties of the treasurer-general and his subordinates, which being in the main technical and having little in them requiring discretionary exercise of power by the Intendant, are omitted. Article 126 contains a general grant of power to the Intendant; and, being pertinent to our theme, it is included.]

126. If, notwithstanding the rules hereby provided, there arise any case that is not found comprehended in them, report will be made to the Intendant in order that he, following the object and end to which these royal instructions are directed, may determine what must be done in it; and the same will be practised, if, in the observance and use of this instruction any doubt present itself.

